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OLD WEST

NON-FICTION

THE LA PANZA MINES

MAKE—DO DAYS
AT THE WHITE HOUSE

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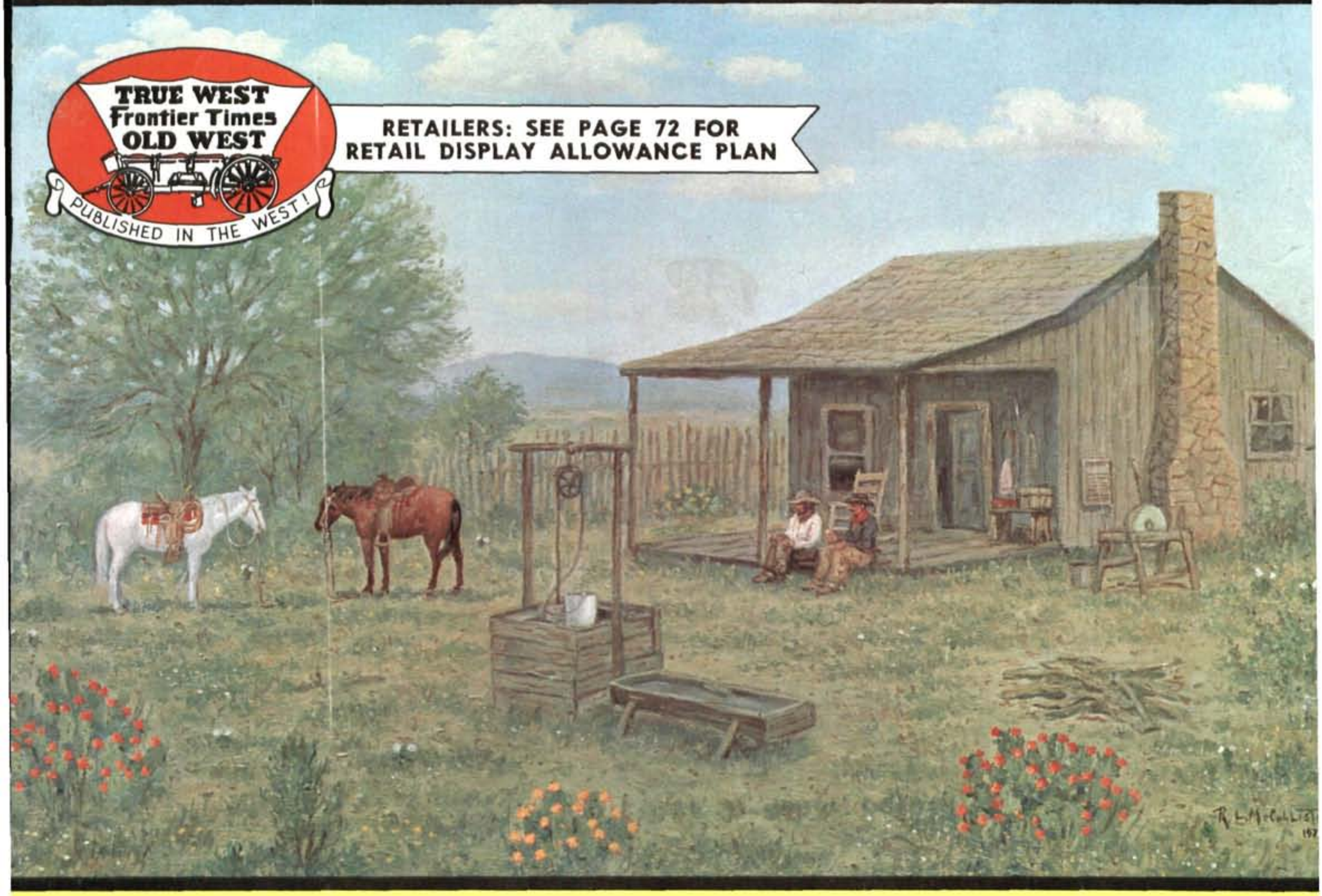

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Frontier Times
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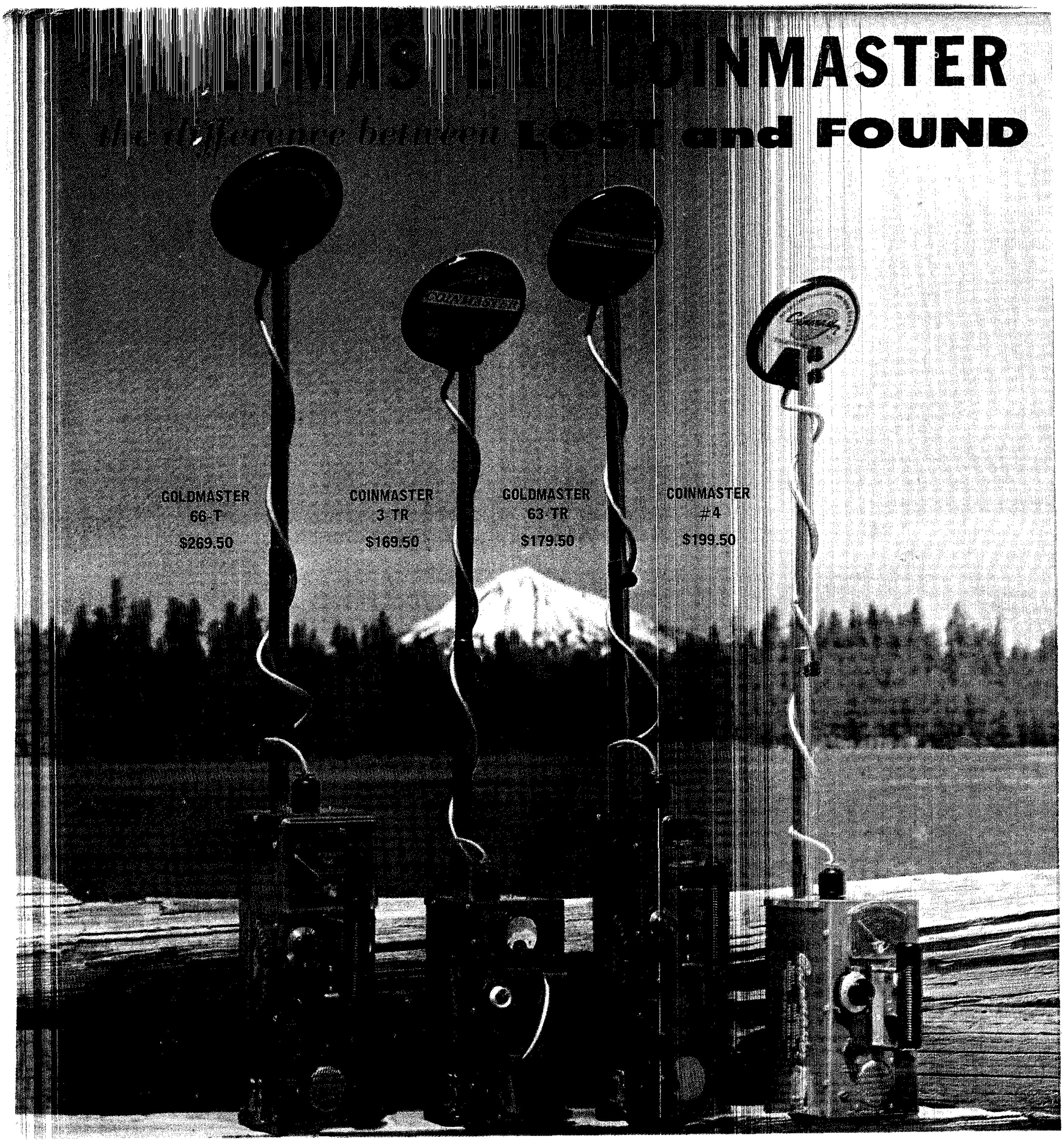
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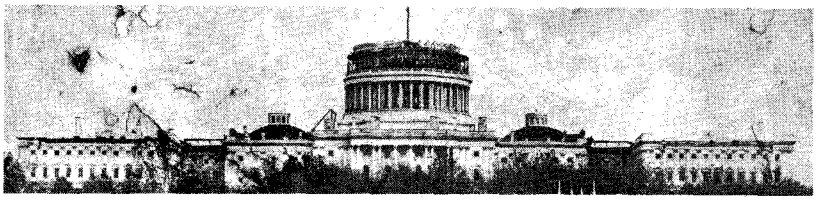

MAKE-DO DAYS AT THE WHITE HOUSE

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Cover Painting by R. L. McCollister

Is this man the real Jack McCall?
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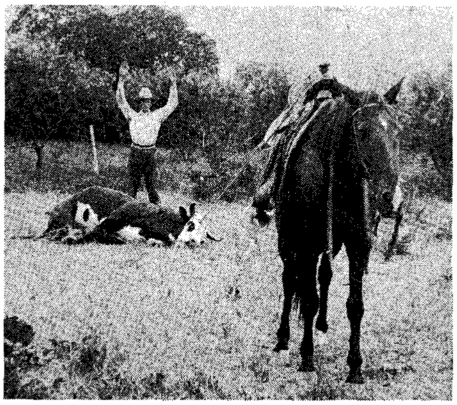

The 1924 "Tex" Jones Rodeo at Belton, Texas
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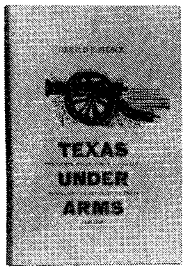

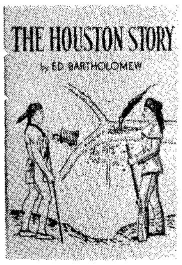

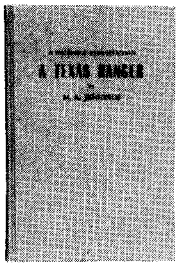

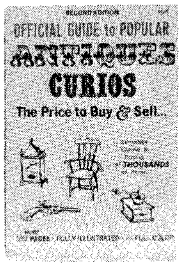

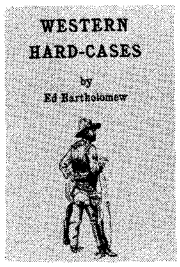

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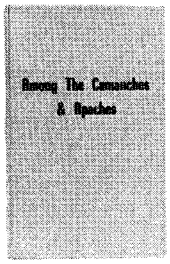

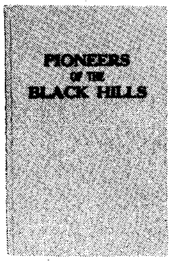

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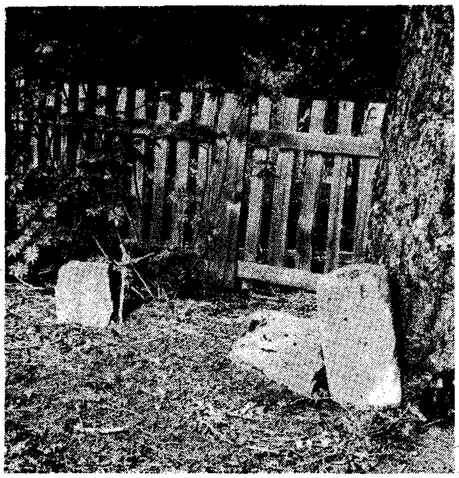
Summit Meadows Graves

With reference to "Mystery Man of the Cascades" in the Fall, 1970 issue, some of your readers may be interested in a letter I have received from Chas. H. Hogan of Portland, Oregon, who is now part owner of Summit Meadows where the graves are located.

Mr. Hogan gives further information to the effect that there are in reality four graves on the property. One is a mystery grave and he is unable to learn who is buried there. The other seems to be the grave of a certain Morgan baby which presumably died at that location in 1847. The child evidently was one of the original Barlow wagontrain.

I quote from Mr. Hogan's much appreciated letter. "The picture in the magazine clearly shows three headstones. The one on the right is the baby Barclay grave and the one in the middle Vicker's grave. The one on the left is the 'Mystery Grave.' All three of these graves are enclosed behind a picket fence.



Here is the photo of the graves that appeared in the Fall, 1970 issue of OLD WEST.

"The Morgan baby grave is outside the fence about twenty or thirty feet to the right or north of the fence. It is marked by a very large rock about five or six feet high and four or five feet across. On the rock is a bronze plaque put there by present-day Morgans and relatives. Every year on the third Sunday in August, these people hold a picnic at the Morgan baby gravesite. This year Mrs. Hogan and I met this group at their picnic. One of them was a Dr. Morgan in his eighties who is a nephew of the Morgan baby.

"As you probably know the Barlow wagontrain on their way from The Dalles to Oregon City spent the winter of 1847 in the meadow. The Morgans were a member of this group and it was at this time that I believe the Morgan baby died. — (Signed) Chas. H. Hogan."

Thought you folks or some of your readers might be interested. Much of this information I did not have when I wrote the article about Perry Vickers.—Victor H. White, 1038 Winding Ridge Road, Santa Rosa, California 95404

About the Delony Book

The bonus book in OLD WEST, Winter 1970, was a great gift. I have heretofore read many of the incidents recorded by Mr. Delony in other writings. Western Publications magazines are great source books of western history.

Mr. Delony's statement that John Wesley Hardin preached the gospel at El Paso del Norte is the first time I have read that. I know that his father was a country preacher and that, while serving his sentence at Huntsville, Hardin read law and had a small practice at El Paso. In fact, the woman who was arrested by Policeman Selman was his first client in a divorce action at the time of John Wesley's death. Some have said that the woman, a Mrs. Rose if I recall correctly, was his mistress.

Had Hardin been facing the saloon door that Selman entered, the result of the shooting may well have been different, as Hardin was the fastest man with a gun of his time.

The mistake about the death of Sam Bass is understandable, due to the similarity of the names, Sam Bass and Bass Outlaw. Sam Bass was killed by a posse at Round Rock, Williamson County, Texas.

There is a controversy about the death of Bass Outlaw at El Paso. He was a ranger in Captain John Reynolds Hughes' Company D, Frontier Battalion who turned outlaw. Some say that he was killed by fellow officers for the murder of a ranger. Captain Hughes always maintained that he was shot by John Selman, (q.v. *Border Boss,* biography of Capt. John R. Hughes by Jack Martin, Houston Public Library.)—D. R. Roberts, PhD., 1514 Stanford, Houston, Texas 77019

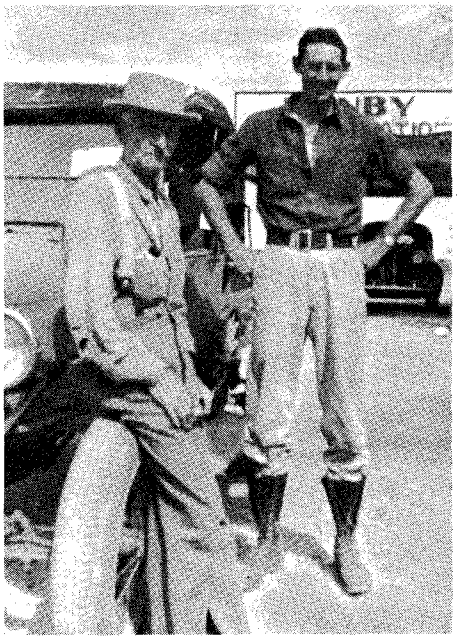
I must congratulate you on your choice of "Forty Years A Peace Officer" in the Winter issue of OLD WEST. I would appreciate hearing from other fans who might have more knowledge about Delony; especially I would be interested in locating a photograph of him as a younger man. His life was as exciting and tumultuous as rangers of greater fame —McNelly, Armstrong, Lee Hall.—wouldn't you agree?—Charles Parsons, 2331 Thor, Racine, Wisconsin 53405

Prospectors

Enclosed is a 1937 photo of my old prospecting buddy, Bob Hambly and Tommy Schofield, finder and loser of the lost "Dutch Oven" mine. Tom was past seventy when this snap was taken but walked Bob and me into the ground during our weekend search for the Dutch Oven. Tom has a shack a half mile or so west of Danby and a dune buggy forerunner—a close coupled Model T roadster with a Columbia rear end and huge oversize tires. I had a photo of Tom and his car but it has gotten lost.

Many thanks for hours and hours of pleasure reading your "rags" and look forward to many, many more.—Joe Armstrong, P. O. Box 246, Oroville, California 95965

Bob Hambly (right) and Tommy Schofield.



Old West Down South

My husband just returned from the Antarctic. He was on the Operation Deep Freeze with the U. S. Navy. And he brought back a copy of your magazine, OLD WEST, Fall, 1967. I enjoyed its stories very much, so I thought you would want to know that your writings are read on the world's last frontier.

My husband's family are descendants of the James boys of Missouri. I just

(Continued on page 59)

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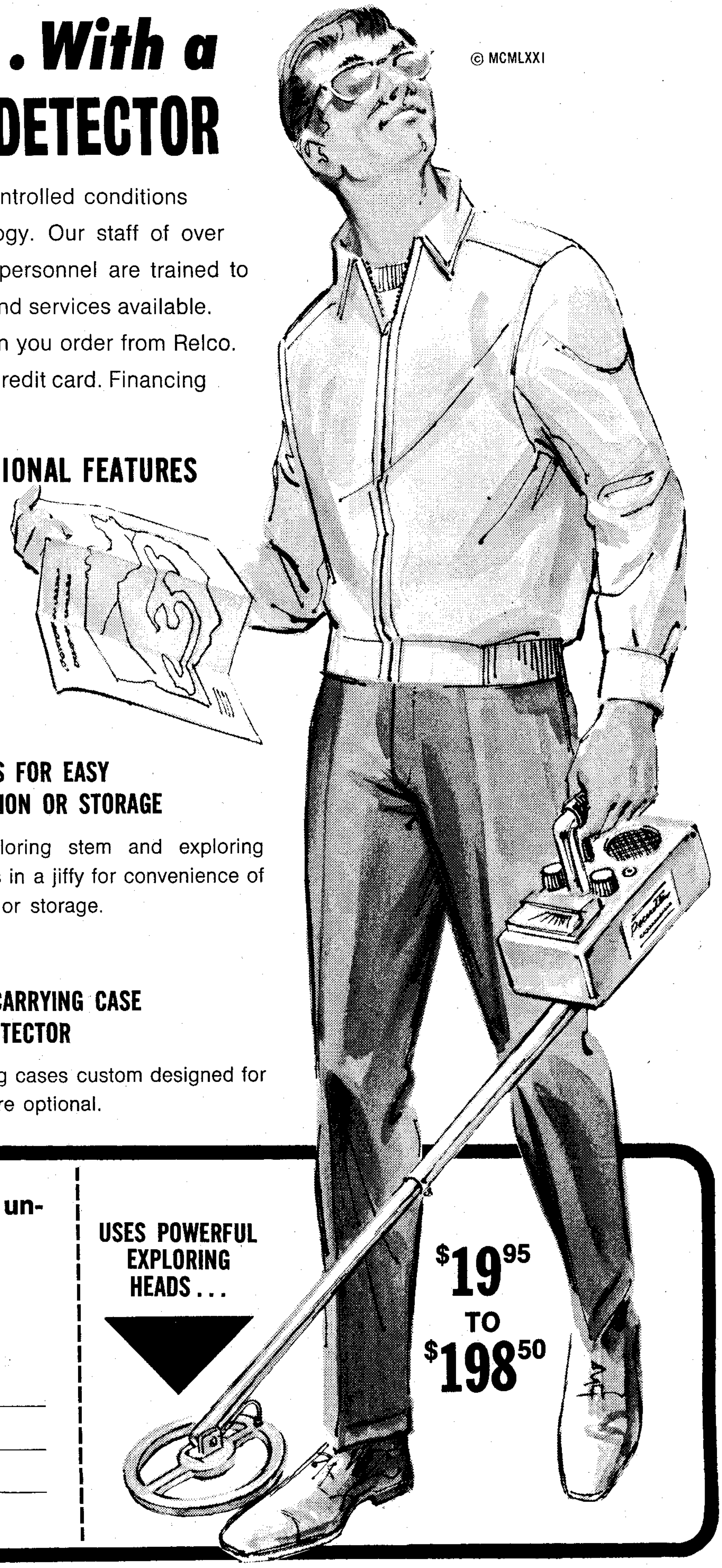

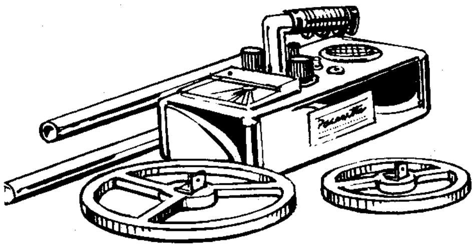

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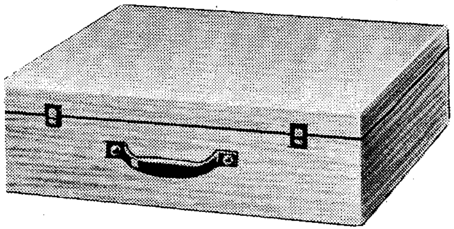

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$19.95 TO $198.50

Author's note: This article is based on official court records, testimonies, contemporary newspapers and other material. The actual official documents quoted are contained in the McCall Trial papers and Pardon File, located in the General Services Administration at Kansas City, Mo., and the National Archives, Washington, D.C., respectively.

DRAW IT
MAR

If Jack McCall hadn't destroyed a certai
his personal account of Hickok's murder–

"WILD BILL is shot!" "Wild Bill is dead!" The cry rang up and down the street. An unbelieving crowd of gold miners, gamblers and gunmen jostled each other in their efforts to peer through the locked doors and windows of Deadwood's saloon No. 10. It was 4:10 in the afternoon of Wednesday, August 2, 1876.

Inside, there was a hush; all eyes focused on the still figure lying beside a card table. Wild Bill Hickok, the legendary "Prince of Pistoleers," the indomitable, fast-shooting, one-time cowtown marshal, was dead, the victim of an assassin. His death was the culmination of a checkered career which began in the Kansas border wars, matured through the era of the Pony Express, the Civil War, the Indian wars of the 1860s and the cowtowns of Kansas. James Butler Hickok became a legend in his own time and his name still lives as one of the greatest in American folklore.

But John McCall, his assassin, cared little for all this when he walked up behind Wild Bill and blew his brains out as he sat playing poker with friends. Historians still debate the motive behind his cowardly act and at this date legend has long surpassed the known facts.

At the time of the murder Jack McCall was about twenty-five years of age and five feet six inches in height. Later descriptions describe him as a man with black curly hair, but even an alleged contemporary photograph fails to tally with this description by a correspondent of the Chicago *Inter-Ocean:* "Never did a more forbidding countenance face a court than that of Jack McCall. His head, which is covered by a thick crop of chestnut hair, is very narrow as to the parts occupied by the intellectual portion of the brain, while the animal development is exceedingly large. A small, sandy mustache covers a sensual mouth. The nose is what is commonly called 'snub,' cross eyes, and a florid complexion, and the picture is finished." And another wrote: "His face is one which would not recommend him to a casual observer as a man free from guilt, while his actions made it manifest that he is possessed of a fair share of animal courage."

A man of many aliases, McCall was known in Deadwood and Cheyenne as Bill Sutherland when he murdered Hickok. It was believed that he came originally from Jefferson County, near Jeffersontown, Kentucky. Evidently all of his early years were spent in Kentucky, for in 1877 his sister Mary claimed that Jack had left his parents and three sisters in Louisville six years before and headed west.

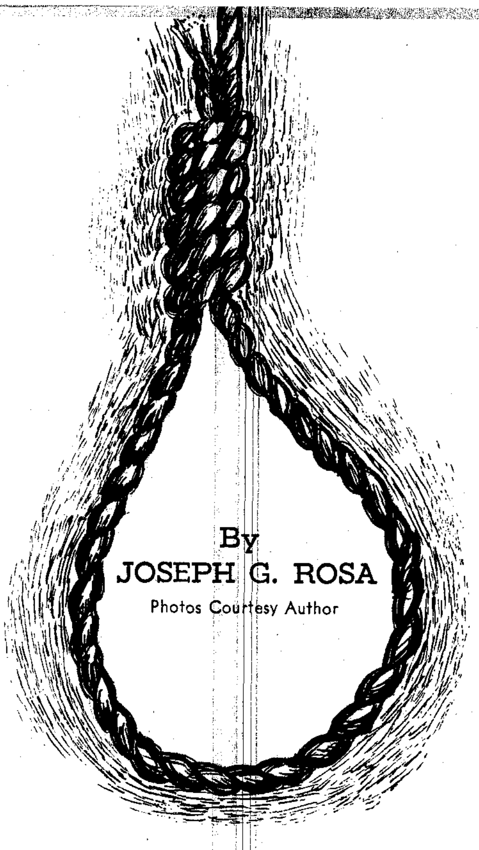
ACCORDING to Galen Baldwin, one of the earliest settlers in Hitchcock

Courtesy Horace A. Hickok

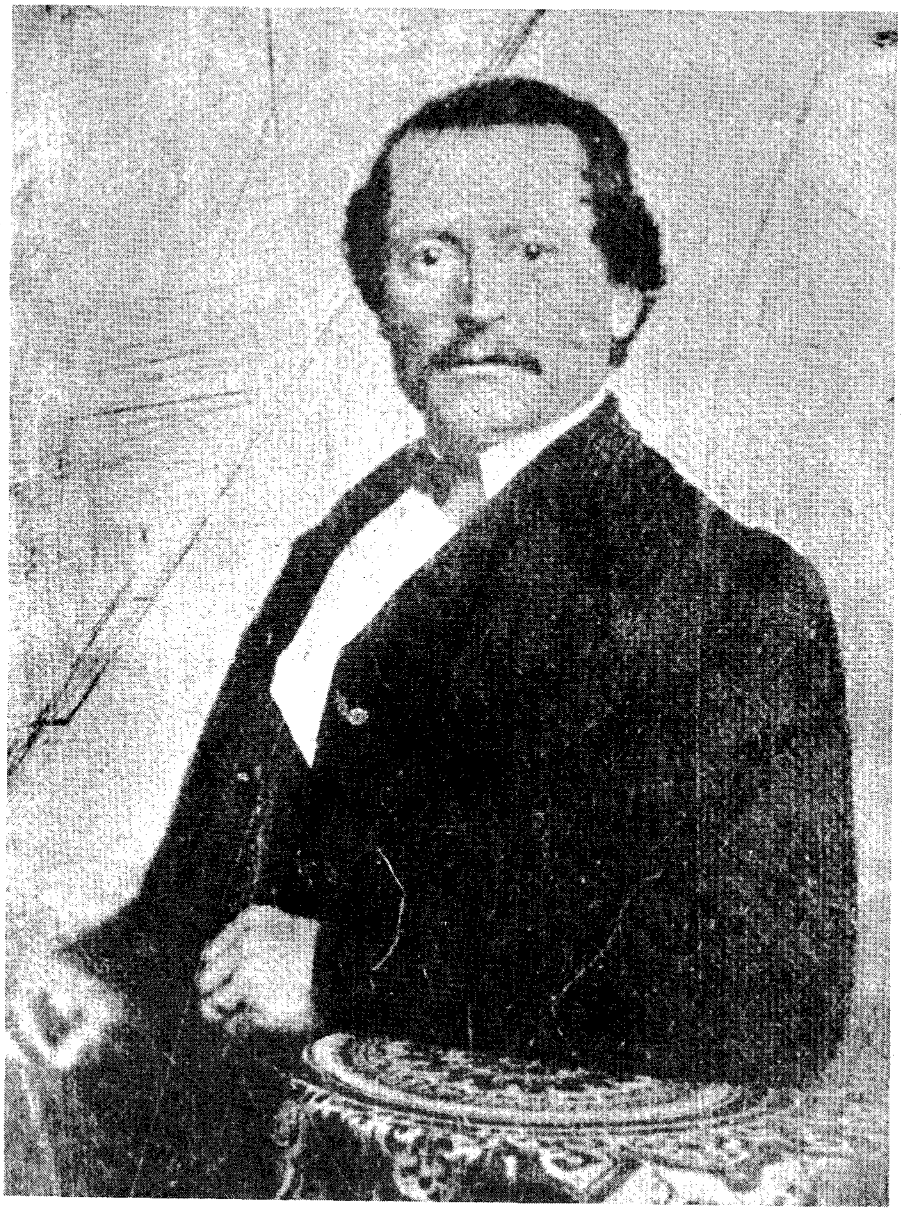
This photo of Hickok was made by George G. Rockwood of New York back in 1873.

TIGHTER, SHAL!

locument the night before his execution— he case might have been forgotten long ago



By
JOSEPH G. ROSA
Photos Courtesy Author



Courtesy Andy Hubbeling

An alleged photograph of John McCall. The original now hangs in the Old Style Bar in Deadwood, S.D. This man looks a lot older than the description we have of McCall.

County, Nebraska, McCall was well known in that part of the state. When Hitchcock County was formed in July 1873, the governor of Nebraska appointed Baldwin as acting sheriff until August when he won the election. The following year McCall appeared in the region. Of his experience with Jack McCall Baldwin wrote:

"At the election in November, 1874, there were no contestants for any of the county offices except sheriff and that was because there were some horse thieves working under the guise of hunters and were opposed to my mode of tracking stolen horses, so they ran a man by the name of Tom Grimes against me. They all had a vote as all the unorganized territory west to the Colorado line was under the jurisdiction of Hitchcock county. Those rustlers were a pretty tough bunch, too. Especially . . . 'Big Jack,' 'Curly Jack,' 'Fat Jack,' and 'Long Jack.' Curly Jack came down the day before the election to see how the outlook for sheriff was and if it looked like I would win he was prepared to use his gun. The morning of the election my wife begged me to leave my guns at home. After I had gone Curly Jack came to my house to try to lecture Eben [probably Evan J. Bakken], who was working for me, to try to get him to vote for Grimes. As they were on the way up town Jack asked Eben who he was going to vote for, and he said 'Baldwin.'

"Jack threw him down, stuck his six-shooter in his mouth and made him say Grimes. In the scuffle Jack's horse got away and while he was catching it Eben ran to the store and told me that Jack was going to kill me and as, at my wife's plea, I had left my guns at home and I had no weapons except the one Judge Lew Carr had and as it was only a 22-caliber, I told Judge to keep it as it would only make Jack mad to shoot him with it. There were about ten men in the

Courtesy Denver Public Library Western Collection

Deadwood, Dakota Territory in 1877.

room and I told them to keep out of the way, and that I would take care of Jack myself. I picked up a piece of two-by-four about three feet long and when he rode up to the door and yelled, Taylor [William Zachariah Taylor] opened the door and Jack said, 'tell Baldwin to come cut,' and I hollered out for him to 'come in,' and he came in with a gun in each hand. As his head came in sight I hit him on the head with the two-by-four and he dropped like a log, not even so much as pulling a trigger. Dr. Vanderslice pronounced him dead, so they wrapped him in a buffalo robe and laid him outside as we were short of room, and went on with the election. In the afternoon Grimes came and wanted to see him. When they unwrapped him they found he was still alive, so we took him in and wrapped him up again. About twelve o'clock that night he called for water. I rigged up a bed on my wagon and took him home with me, and my wife nursed him for about two months, then he was able to go back to camp. About two years later he killed 'Wild Bill Hickok' in Deadwood, South Dakota . . ."

A check of official records in Nebraska has uncovered references to all the people mentioned in this account except Judge Carr. A. J. Vanderslice was elected county judge on August 30, 1873, but was defeated in the regular election in October 1873, by J. N. Lucas.

Baldwin was not alone in his recollections of the man he believed to be Jack McCall. Other Nebraskans claimed a connection. Perhaps the most interesting character alleged to be McCall was the mysterious "Buffalo Curley." "Doc" W. F. Carver claimed that in 1873 he beat Curley in a buffalo shooting contest and that Curley swore to kill Carver and "every other long-haired man on the plains." Unfortunately, few of Carver's statements can be corroborated and no additional information has so far come to light on this incident.

By his own admission, Jack McCall had been employed to carry the mail from Red Cloud to Deadwood, "a job which no one else would undertake," but this statement was made in a boastful manner to the press and has no basis in fact. It is probable that McCall's actual employment consisted of some form of laboring.

McCall appeared in the Black Hills in the wake of the goldrushers of 1875-76, and newspapers later suggested that Jack reached Deadwood late in April or May, a month before Hickok and Colorado Charley Utter, accompanied by a number of other notables, arrived about July 11. There to greet them was Hickok's old friend, California Joe (Moses E. Milner).

During Hickok's short sojourn in Deadwood he did little to arouse attention, but his presence caused much speculation among the barflies and gamblers. Stories concerning Hickok's possible employment as a peace officer are not substantiated by the record. But one persistent story which may have some bearing on the killing concerns an argument over cards between Wild Bill and a shadowy figure named John Varnes which took place in Denver.

Later, in July, Hickok entered the Senate saloon in Deadwood and interfered in a row between Varnes and another man. Wild Bill pulled a pistol on Varnes, but friends intervened and prevented bloodshed. Varnes quickly left the saloon and let it be known that he would get even.

Leander P. Richardson, who met Hickok in Deadwood, recalled that rumor reached him that Hickok was to be assassinated. Charley Utter promptly advised Wild Bill to leave town for a while, or join him on a hunting party for Indian ponies. Wild Bill's eyes flashed and Richardson realized just how dangerous Hickok was when his blood was up.

"Will you go?" asked Charley anxiously.

"Not a damned foot."

"Why not?"

"Well, those fellows over across the creek have laid it out to kill me, and they're going to do it or they ain't. Anyway, I don't stir out of here, unless I'm carried out."

The next afternoon the only live shell in McCall's defective pistol went off and Wild Bill died as he feared he would—with his boots on.

McCALL was quickly arrested and placed under strong guard. On August 3 he was led into McDaniel's Theater which had been picked as the courtroom.

Judge W. L. Kuykendall officiated and after some deliberation Judge Miller acted as his defense and the prosecution was placed in the hands of Colonel George May.

The trial was a farce. Despite overwhelming evidence of his guilt, the jury accepted McCall's plea that Hickok had murdered his brother, a fictitious character thought up by the defense, and brought in a "Not Guilty" verdict. A disgusted Kuykendall ordered his release.

McCall did not stay in Deadwood for long. One morning he looked up to see a large bearded figure standing before him, hand on pistol, and a look of vengeance in his eyes. California Joe had been out of town when his friend had been murdered and now he was eager to see justice done. But McCall was too cunning to provoke Joe. Milner remarked that he thought the air might be a little too light for him, and McCall went white and feebly agreed. "Well," Joe said, "I guess you had better take a walk then." Jack scrambled out of the way and Joe seated himself on the side of the hill and watched the figure of McCall until it was out of sight.

Jack McCall was now a very frightened man. He may have been acquitted in Deadwood, but in the eyes of the United States his trial was illegal. Deadwood was an outlaw town, built on land ceded to the Sioux Nation by treaty in 1868; but it was still under the jurisdiction of the United States government, and local acts of justice were not recognized by the law.

From Deadwood McCall hastened to Cheyenne. Here, perhaps, he felt easier and his new-found fame kept him in the public eye. He was almost a celebrity. Free drinks were his for the asking and he was never loath to tell his story. The more he drank the more he boasted, and his story frequently changed. At Horse Creek he told one man that he had killed Hickok because of a row over a card game, and others recalled conflicting stories.

Late in August, Jack arrived in Laramie where his saloon audiences were eager for details of the Hickok killing. There was one man, however, who took McCall's drunken boasting very seriously: George May, the prosecutor in Deadwood. May had followed McCall from place to place and made haste to report the facts to the authorities. On Tuesday, August 29, McCall's audience was joined by a stern-looking individual who pushed his way through the crowd and laid his hand on his shoulder. Justice in the form of Deputy U.S. Marshal Balcombe had finally caught up with John McCall.

Cheyenne was chosen as the place for a preliminary hearing before Commissioner Brunner to await a requisition from the Governor of Dakota to have him put on trial at Yankton. A great crowd waited at the depot in Cheyenne on the morning of August 31 for the arrival of the train. As it steamed in, the excited cry went up: "There he is!" But it was only a poor drunken woman who had been arrested by the Cheyenne police. At the last moment it had been decided to keep McCall in Laramie where he was examined before Judge Blair.

For his defense he had attorney C. W. Bramel, and for the prosecution Attorney General Jenkins. At this brief hearing, George M. Shingle of Cheyenne and Louis Meize testified that McCall was the murderer of Wild Bill. When questioned by the judge, McCall admitted that he was guilty of Hickok's murder. Judge Blair then decided McCall should go to Yankton for trial.

Even in prison, McCall seemed delighted by his notoriety. In an interview with the press he claimed that he had first met Wild Bill at Fort Hays, Kansas, and easily recognized him as the man who killed his brother. Of the actual shooting he said:

"On the day before the shooting I had a dispute with Bill about some gold dust which he had as good as robbed me of in a poker game. We quarreled some time about it and I finally slapped his face. He only laughed and said, 'that is all right.' Between three and four o'clock the next afternoon I went into the Cricket saloon, where Bill and a party of men were playing cards, after walking up and down a few times, stepped up to Bill, and telling him to 'look out.' shot him, the ball entering at his ear. When I warned him he smiled but made no effort to resist or protect himself. I cocked my revolver and snapped it at the men he was playing with, but the d——d thing wouldn't go, although the cylinder turned. I rushed out of the saloon, mounted a horse standing near, and started off, but the saddle was loose and turned with me, so I was forced to surrender to a crowd of several hundred men."

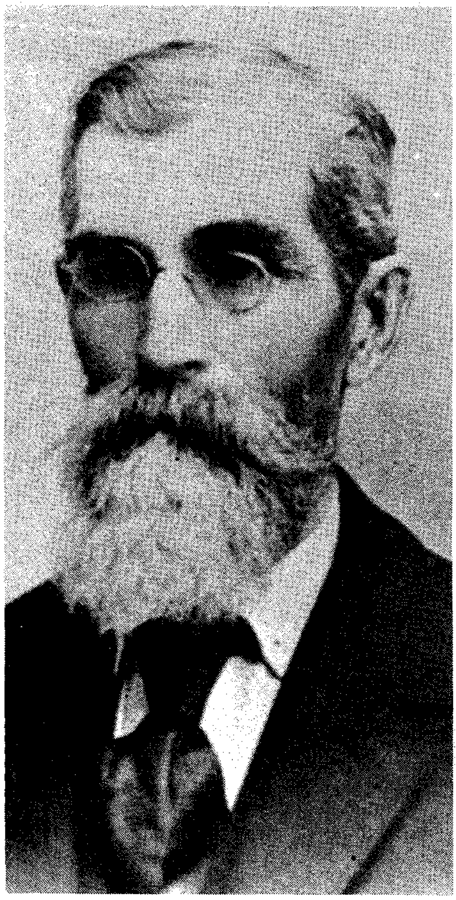
Actual witnesses of the shooting agreed that the only comment made by McCall was "Take that," as he stood behind Wild Bill and fired. Hickok died instantly. He neither smiled, as McCall alleged, nor did he pull his pistols as later legend builders would have it. In fact, he sat rigid for some moments before falling backward to the floor. And at this date it is a matter of conjecture what would have happened to McCall had his defective pistol failed to work at the first attempt.

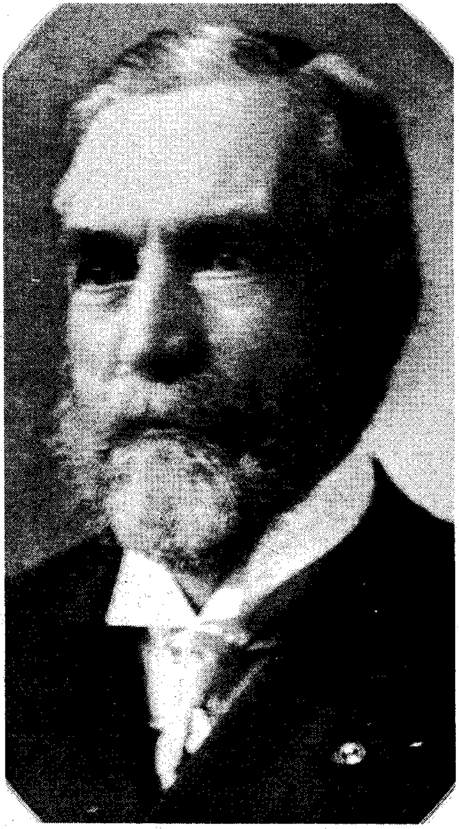
WITH McCall in jail the authorities started to gather evidence and subpoena witnesses. On September 9 a warrant was issued for the arrest of Captain William Rodney Massie, who had been present when Wild Bill was shot. Massie was considered an important prosecution witness. It was served on the 12th at Bismarck by U.S. Marshal Burdick. On the 14th Massie appeared before E. A. Williams, Commissioner of Oaths, and was placed on a $500 bail put up by D. W. Maratha, and ordered to appear at the Yankton Courthouse on October 18. Captain Massie was released on September 19.

Jack McCall was indicted for murder at Yankton Courthouse on October 18. After reading the indictment, the clerk asked him if his true name was John McCall and he said it was. Jack then pleaded "Not Guilty."

Lorenzo Butler Hickok in later years. He traveled to Yankton to see that justice was done to the man who murdered his brother.

Courtesy Kansas State Historical Society





Courtesy South Dakota State Historical Society

General W. H. H. Beadle, one of the defense counsel at McCall's Yankton trial.

The court asked him if he had means to employ counsel and Jack said no. The judge, Grenville G. Bennett, Assistant Justice of the Supreme Court officiating in the absence of the Chief Justice, P. C. Shannon, suggested Oliver Shannon (believed to be unrelated) and Colonel G. C. Moody. As Moody could not take the case, he was replaced by General W. H. H. Beadle.

A twenty-four man petit jury was sworn in and on October 19 McCall's counsel requested that the trial be postponed until they could gather the witnesses for the defense. This was refused, and in a signed statement McCall detailed his reasons for requiring the presence of John Weldon Daniel Boyd, James Lamb and George ——— (other name unknown). Subpoenas were issued and the U. S. marshal was ordered to bring the men in.

George M. Shingle was visited by the U. S. marshal on October 20 and ordered to appear at the Yankton Courthouse on November 27 on his own surety of $200. The case was then adjourned until that date and McCall was placed in jail.

McCall and his cell-mate McCarty made a dramatic bid for freedom on November 9. They attacked their jailor, J. B. Robertson, and were a few steps from freedom when Marshal Burdick and an assistant arrived. The lawmen quickly drew their pistols and forced the pair to surrender.

Realizing that he had prejudiced his case, McCall offered to turn state's evidence, alleging that John Varnes of Deadwood had paid him money to murder Hickok. A deputy U.S. marshal and a posse of five men headed for Deadwood, but Varnes had gone. Tim Brady, another alleged plotter, had also conveniently disappeared and neither of them was ever brought to trial over their possible connection with Wild Bill's murder. Years later Harry "Sam" Young, bartender of the No. 10, was to recall that "Varnes died in Denver, Colorado, an opium fiend" but this statement cannot be substantiated.

Meantime, Colonel George May, who had been primarily responsible for McCall's arrest in Laramie, advised Mrs. Agnes Hickok of his efforts to bring her husband's murderer to justice, and was hoping that she would send him funds to cover his expenses in conducting the prosecution. But Agnes was too ill and in need of money herself to be able to help, and before May could make other arrangements, he, too, became sick and died in his room at the Merchant's Hotel, Yankton, on November 21. The local bar association took care of him during his last illness, and paid for his funeral and cancelled his debts.

The court convened on December 1, His Honor P. C. Shannon presiding. McCall was given a copy of the indictment and a list of the jury, plus the witnesses for the prosecution. The court advised him that he had two days in which to lodge any motions or pleas.

U.S. Marshal Burdick then testified that he was unable to serve the subpoenas on McCall's alleged witnesses as they had disappeared from his district. McCall's counsel requested that his trial should be held over to the April 1877 term of court so that his witnesses could be found. The motion was denied when court convened the next morning and the case was adjourned until the 4th.

Jack McCall's trial opened at 10 a.m. on December 4, 1876. He was led into court by Marshal Burdick and a couple of deputies. On his wrists were irons which, wrote the local reporter, "were, however, removed after he had taken his seat within the bar. He manifested no excitement or emotion, though there was a trace of anxiety exhibited in his general demeanor when first brought into court . . . After he had been in court long enough to become accustomed to his new situation he put on a bold front and a careless air, conversing freely with his attorneys and carrying the manner of one who was arraigned for a trifling offense against the law. As the examination of the jury proceeded and the box began to fill with those who were to decide the question of life or death for him, McCall began to exhibit symptoms of nervousness. He scanned closely with his sharp, eager eyes the faces of each juror as he took his seat and then anxiously awaited the appearance of the next candidate for examination as to his qualifications to act in the case."

THE twelve men eventually chosen to act as jurors were John Treadway (Foreman), Hiram A. Dunham, William Box, George Pike, Lewis Clark, West Negus, Charles H. Edwards, Isaac N. Esmay, Henry T. Mowry, Nelson Armstrong, James A. Withee and Martin L. Winchell.

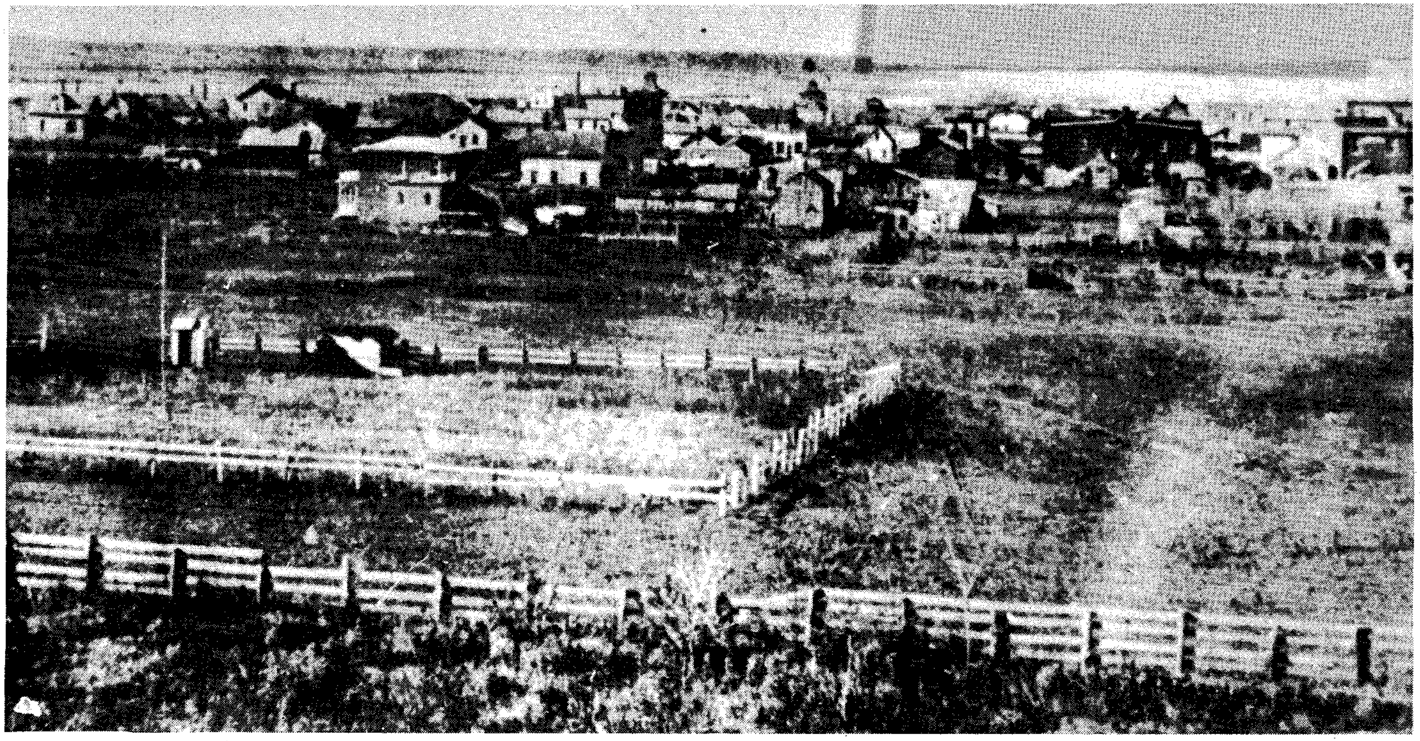
The clerk of the court, A. J. Faulk, read the full indictment, concluding with the old English term: "Upon this Indictment he hath been arraigned upon his arraignment he hath pleaded not guilty; your charge therefore is to inquire whether he be guilty or not guilty, and harked to the evidence."

From his seat in the public gallery one man watched the proceedings with keener interest than the rest. Lorenzo Butler Hickok, Wild Bill's brother, had traveled late in November from his home in Troy Grove, Illinois and was staying at the Merchant's Hotel for the duration of the trial.

When court adjourned for lunch the

Yankton, Dakota Territory as it appeared in 1877.

Courtesy South Dakota State Historical Society



Courtesy South Dakota State Historical Society

Peter C. Shannon, Chief Justice of Dakota Territory from 1873-1881.

judge ordered that the jurymen were to be taken to a room in the Merchant's Hotel. The room was to be used for this purpose throughout the trial and they were to be guarded by Deputies Henry C. Ash and F. D. Wysman.

After lunch William Pound, counsel for the prosecution, called George M. Shingle to the stand. Halfway through his evidence the defense requested that the prosecution witnesses should be sent out of court until they were required. The court agreed.

In evidence Shingle said: "I reside in Cheyenne and have lived there nine months. On the 2nd of August I was at Deadwood in the Black Hills. I knew a man named Wild Bill and had known him since 1866 by that name and by his right name, Hickock [*sic*]. He was best known by the name of Wild Bill. He is dead. He died in Deadwood on the 2nd day of August, 1876. Deadwood is on Whitewood creek I think. It was at that time a place of 4000 population, I should think. On the 2d of August in a saloon at Deadwood kept by Carl Mann and Jerry Lewis, Wild Bill was there playing cards. There was a party of 3 or 4 others sitting at the same table. I was in the room at the time. I saw a man come in the saloon who is here now. It is the defendant here present. He walked towards the back door of the saloon. When within 3 or 4 feet of the door he turned and came up behind Wild Bill. He put a pistol within 2 or 3 feet of Wild Bill's head and fired. As he fired he said, 'take that.' The ball entered the back part of Wild Bill's head and came out of the right cheek entering the left wrist of Captain Massey [*sic*]. The shot killed Wild Bill almost instantly. He did not move and said nothing. He sat in the chair a couple of minutes and then fell over backwards. I made an examination of Wild Bill and found him dead. The saloon stood nearly the same as the court house, with a door in each end and a bar and tables inside. The table where Wild Bill sat was nearly in the middle of the room. He was facing the bar. When the defendant came in I was weighing our gold dust. . . .

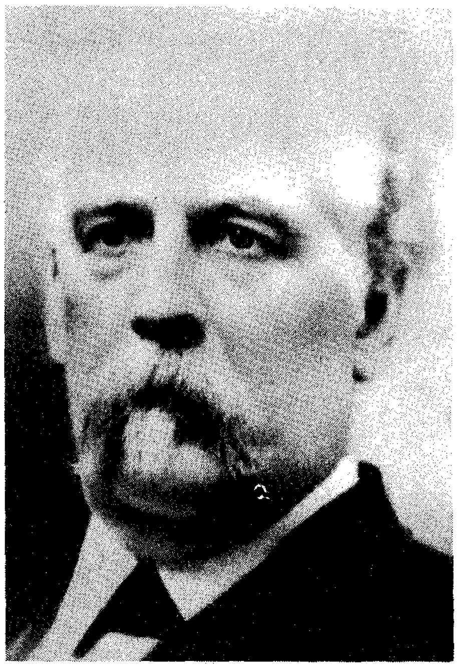
"After firing the defendant walked backward toward the back door, with his revolver in his hand hold[ing] it up. As I went to look at Bill, McCall pointed the revolver at me and snapped it. I got out of the house. Carl Mann was the only one left in the house, and McCall. Saw the defendant half an hour later, when he was arrested. Was present at the trial, which was held in a theater building in Deadwood on the third day of August. McCall said to the court that he had killed Wild Bill and that he was glad of it, and if he had it to do over he would do the same thing—that Bill had killed a brother of his and he did it for revenge. The weapon used was a Sharps improved revolver 18 inches long with a piece of buckskin sewed around the stock."

Cross examined—"I said I was weighing out gold dust. The room where the bar was was twenty-four feet wide. The bar took up about 8 feet of the room and was twenty feet long. I was standing at the end of the bar. The room was about eighty feet long. Bill was sitting with his back to the back door and fronting the bar. McCall got around alongside of this partition and came up behind Bill. Captain Massie and Wild Bill were having a dispute about the game and I looked up, when I saw McCall in the act of shooting. Wild Bill was prospecting most of the time in the Hills. He did not keep a faro bank. I know of Bill killing three men, but in self defense and was tried and acquitted. He was a constant drinker. I saw the defendant in Deadwood, but was not acquainted with him. Wild Bill was sober when this shooting occurred. Could not say that McCall was drunk. I do not know that the man was staggering from drunkenness after the shooting. I saw him going up the street with his pistol in his hand, clearing his way, but I don't know he was drunk. The killing occurred about three or four o'clock p.m. Eight persons were in the room when the shooting occurred. The affair caused great excitement and a crowd gathered. McCall was acquitted on his trial in Deadwood. There were lawyers and a Judge present and a jury of twelve men. I was there through the whole trial. There was an attorney for the prosecution and for the defense. I don't know that there were any inducements held out to cause McCall to say that he had killed Wild Bill."

Shingle left the stand and the prosecution called Carl Mann to testify: "I reside at Deadwood and was there August 2nd of this year. The place was then a town of two hundred houses. It is on White Wood creek. Gayville is about a mile and a half west of Deadwood gulch. Crook City is very nearly east of Deadwood—a little north of east. Bear Butte is a little north of east from Crook City. Deadwood may be about eight miles further west than Bear Butte. On the second of last August I had a house in Deadwood. There was a saloon there that some of them said that I was keeping. I do not know as I ought to answer questions about my keeping a saloon as it might get me into trouble. There was a building there which I had an interest in and I knew a man named Wild Bill. Saw both him and defendant that day at that building. Know of a shooting affair there that day. It was after dinner, about three o'clock probably. Three of us were playing cards with Wild Bill. I heard some body walking on the floor and as I looked up I saw defendant raise a pistol and fire it at Wild Bill's head. It kind of knocked Bill's head forward and then he fell gradually back. I saw where a bullet came out on his face before he fell. The pistol was from one foot to eighteen inches from Bill's head. It was a navy size revolver. The same ball hit Capt. Massie in the arm. I slipped off to get something to defend myself with. All went out of my house. McCall pointed his pistol on me and head [had] it on me all the time. He went out before I did. Do not know of any inducements to defendant to confess. Heard men said that if McCall got up and said Wild Bill killed his brother the jury would clear him. Did not hear anybody say so to McCall. McCall said Wild Bill had killed his brother and he had killed Wild Bill. Did not hear him say anything about doing it again. Saw McCall only twice before this happened and in this house. Bill was

John L. Pennington, Territorial Governor of Dakota, joined in the petition to save McCall from the gallows.

Courtesy South Dakota State Historical Society



there and McCall weighed out some gold dust to get some chips to play poker with Bill and the others. McCall won $23 or $24. Am not certain of the amount. He then went out and came back and played again. After playing a short time he took a purse from his pocket and bet five or six dollars and Bill bet twenty or twenty-five more. McCall shoved his purse further onto the board and says 'I call you.' Bill won and they came to the bar and asked me to weigh out $20 or 25. The purse was $16.50 short. Bill said 'you owe me $16.25.' McCall said 'yes' and went out. He came back shortly after and Bill said 'did I break you?' McCall said 'yes.' Bill gave him all the change he had, 75 cents, to buy his supper with and told him that if he quit winner in the game he was playing he would give him more. McCall would not take the money and went out in fifteen or twenty minutes."

A cross examination of Carl Mann revealed nothing new. If his recollections of the card game were the complete truth there seems little reason for McCall to hold a grudge against Hickok—unless McCall resented the fact that he had to be indebted to Hickok and later "bit the hand that fed him."

COURT adjourned until 9 a.m. on December 5 when Captain Massie was called to the stand:

"I reside in St. Louis. Was present in Deadwood at the time of the death of Wild Bill. Was there at the time this man shot him. Did not see him die and do not know that he died immediately. We were seated at a round table playing cards. The house fronted south. I was sitting with my back partly towards the south and partly towards the wall. Bill was seated opposite me at the table. Mr. Mann sat on my right and Charlie [Rich] at my left. Carl Mann's back was directly towards the front door and Bill's back was towards the back door. I saw the defendant first on that occasion. When the pistol report came I was looking down at the table and looked up and saw the defendant backing as if to get out of the back door. My left arm was resting on the table when the pistol was fired. I felt a shock and numbness in my left wrist. I heard the report of the pistol and looked up to see where it came from and saw the defendant with a pistol in his right hand. He was moving it about apparently to keep the crowd from coming upon him and was backing towards the back door. He was saying also, 'come on ye s--s of b-----s.' He intimidated the crowd with the pistol and all got out of the front door except Mr. Mann. I got out quick as I could and did not see Wild Bill fall. I looked up at the pistol and my eyes passed him. The ball was not found on examining my arm. It is there yet I suppose. I saw the defendant come into the same room a day or two before and around behind Bill and pull his pistol about two thirds out. There was a young man with him who put his arm around the defendant and walked him towards the back door."

A cross-examination of Captain Massie failed to reveal any new disclosures and he stepped down. Joseph Mitchell, the next witness, corroborated the other witnesses except that he did not see the actual shooting; he was busily putting in wainscoting. When McCall threatened him with his revolver Mitchell rushed out of the rear door.

Evidence was next given by General William P. Dewey and H. H. Reed to prove the location of Deadwood, and Edward F. Highbee produced a map which showed that the western boundary of Dakota was thirty-five miles west of Bear Butte, and so placed Deadwood in Dakota.

Finally, J. B. Robertson, the Yankton city jailer, testified about the attack made on him by McCall and McCarty. The prosecution had now closed its case.

At this point McCall's counsel gave notice that they had no witnesses for the defense, and a motion that the prisoner be discharged on the grounds that a true copy of the indictment had not been served by the prosecution was refused. The prosecution countered and said the document had been served. The judge cut short the argument and ordered Beadle and Shannon to produce it next morning, then he adjourned.

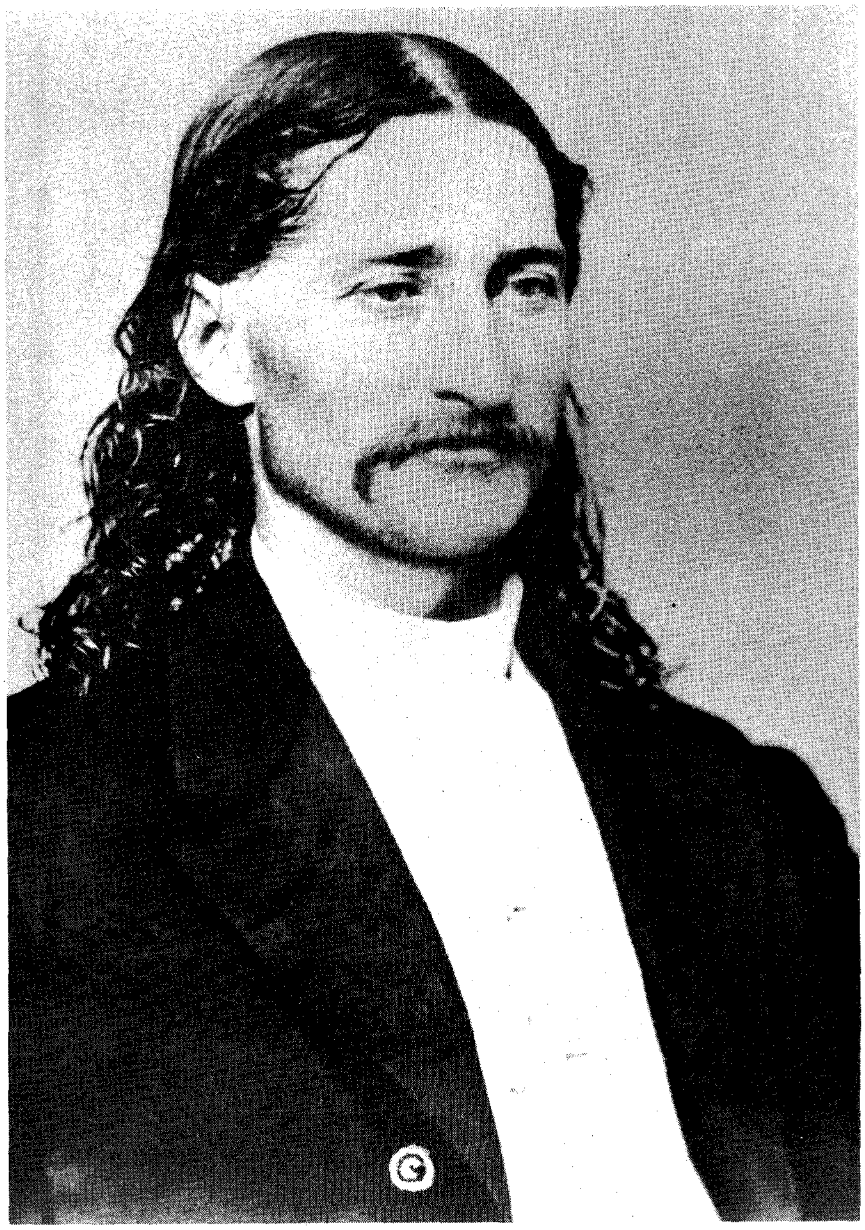
Court convened at 9 a.m. on December 6 and Oliver Shannon stood up and held out the copy of the indictment handed to the prisoner on the day he was remanded. Both prosecution and defense now addressed the jury, after which in a long summing up and opinion of court, Justice Shannon concluded that the trial had been legal. McCall's counsel objected and the protest was filed. At about 7 p.m. the jury retired.

When they filed back into the court some three-and-one-quarter hours later, at 10:15 p.m., the public gallery was crowded. A. J. Faulk, the clerk, asked the jury for the verdict. The foreman, John Treadway, stood up and handed over their written verdict of "Guilty as charged in the Indictment."

From the gallery came a babble of com-

James Butler "Wild Bill" Hickok, from a plate made by E. E. Henry of Leavenworth, Kansas about 1867.

Author's Collection



ment and the judge rapped for silence. McCall's counsel protested at the verdict as he was led out by the U.S. Marshal, and the court noted their plea.

As the public filed out of the gallery Lorenzo Hickok was approached by several newsmen. He said he was satisfied with the verdict and was confident that McCall would pay the penalty for his crime. Before leaving for Troy Grove he told the press that "there was no truth in the assertion that Wild Bill shot the brother of McCall in Kansas."

SEVERAL court appearances were made by McCall to determine the alleged faults in the Indictment served on October 18. In this document Hickok's name had not been used, only his pseudonym of Wild Bill. But the document finally handed to McCall's counsel was correct. On December 23 the judge announced that he would pass sentence on McCall on January 3, 1877.

On that date the court was packed, and during the "delivery of the impressive language of the court," commented the local paper, "he the prisoner seemed least moved of all present, though the slight quiver of the lips was perceptible when the judge dwelt pathetically upon the teachings and prayers of a mother." When Jack came to address the court he spoke at some length, but his comments have not been recorded. Justice Shannon then pronounced the sentence of death:

"Whereup all and singular and the premises being seen, and by the said Court here fully understood, it is considered by the Court here, and the judgement of the law being so the sentence of the Court is, that you John McCall, alias Jack McCall, be remanded hence to the place whence you came, that you be then imprisoned until Thursday the first day of March, A.D. 1877, upon which day you shall be thence conducted to the place of execution, where, between the hours of nine in the forenoon and two o'clock in the afternoon of the said day, you shall be hanged by the neck until you shall be dead. (And may the Lord have mercy upon your soul)."

McCall's counsel objected to the sentence and he was taken out by Marshal Burdick.

Even before the sentencing of McCall, his counsel had been trying to find loopholes in the judgment. Several men came forward late in December and signed statements alleging that the Bear Butte mentioned in court was in fact Bear Butte Gulch and not the mountain. A writ of error was submitted to the Supreme Court of Dakota Territory, but after an examination of the records of the Second Judicial Court, it was announced on January 20 that the verdict would stand.

On January 23 Beadle and Shannon advised Justice Shannon and William Pound, the prosecutor, that they were applying to the President for a pardon or commutation of McCall's sentence to life imprisonment. This petition, together with a covering letter signed by Oliver Shannon, was mailed on the 24th. In his letter Shannon stated that he did not propose to impose a long list of names because, as some of the jurors lived some forty to sixty miles away over the prairie country, he would not get their names, knowing that the petition was but an initial step to further examination. Referring briefly to the introduction of maps in court and the affidavits attached, he asked for a speedy reply as the mails were frequently detained several days.

The first part of the petition was signed by John L. Pinnington, Governor of the Territory and endorsed by William P. Dewey, one of the witnesses for the prosecution. Stress was laid on McCall's defense that he was drunk at the time of the alleged murder and had fallen down three times when crossing the street to the saloon. Admitting that there was no doubt that McCall killed Hickok, there was a total absence of motive. The Governor went on:

"The prisoner's statement in Court, impressed the truthfulness of it on nearly all when he gave the circumstances of the debauch that preceded the homicide. His statement was that the first he knew of the killing was whilst sitting on a log in the outskirts of the village, with five or six men around him, and when returning to consciousness was told that he 'had got into a bad scrape,' and when asked what it was, was told by them that he had killed 'Wild Bill.'

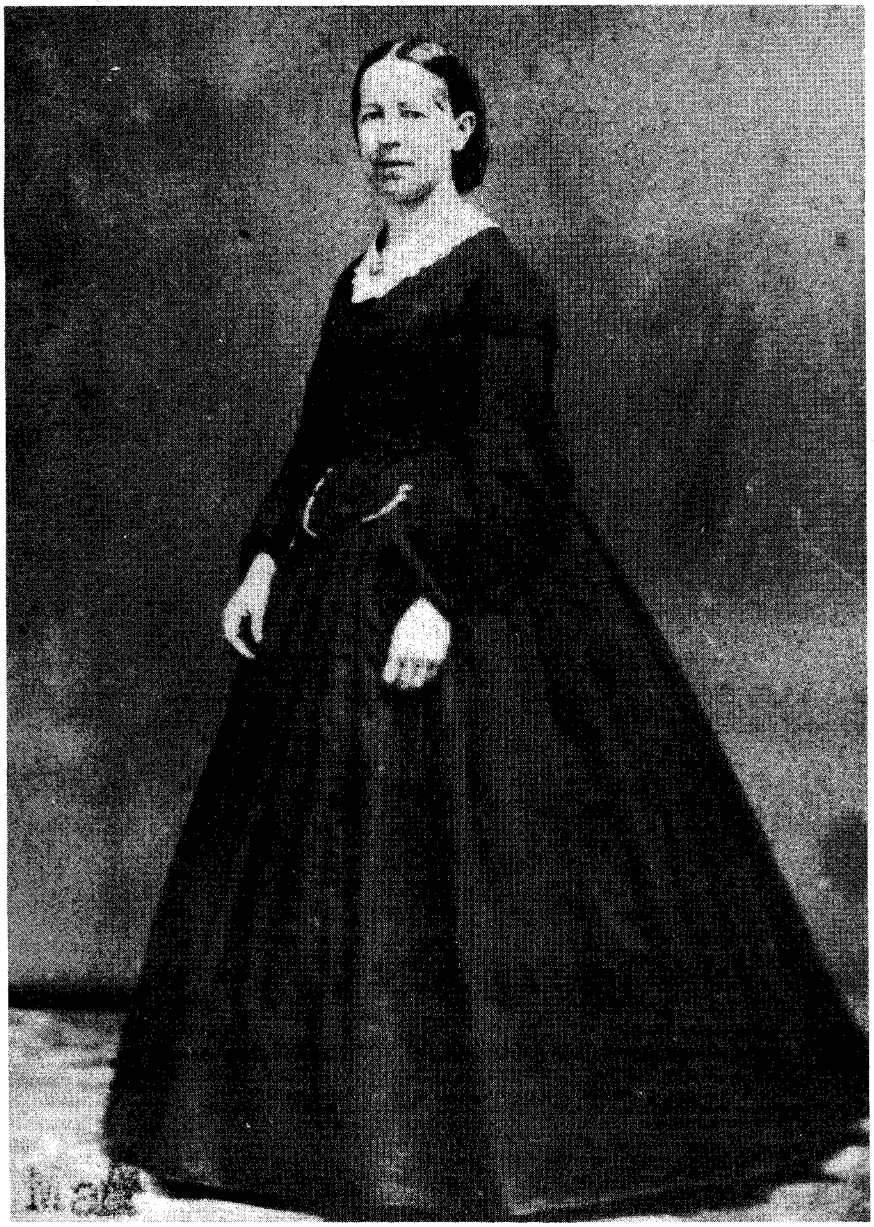
"Your petitioners further would most respectfully represent that last August when the homicide occurred, was a very early period in the history of the Black Hills, when pioneers, marauders, gamblers and all sorts of people common to new countries, were there, and all thus really in violation of law, and every man taking his chances—'Wild Bill,' a notorious character, among them. Whilst this, of course, is no excuse for crime, they are circumstances that always beget a sad state of morals and an atmosphere around, for which no one individual is responsible, by accident, puts him in positions for which he is no more responsible.

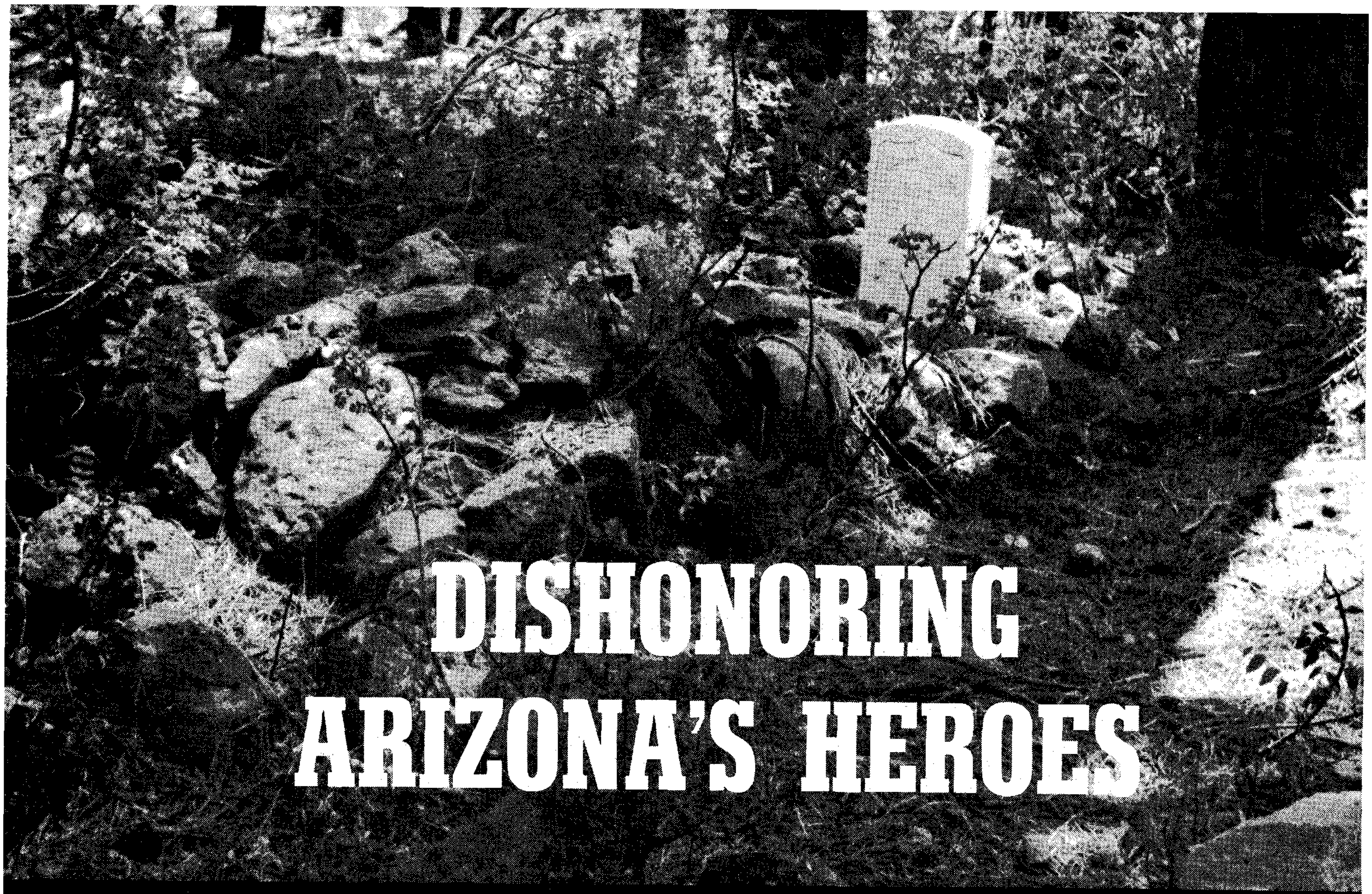
"In view, therefore, of all the facts, we

(Continued on page 66)

Agnes Lake Thatcher married Wild Bill less than five months before his death and mourned him for thirty years afterward.

Courtesy Kansas State Historical Society





DISHONORING ARIZONA'S HEROES

There's no more "peace to their ashes"; those ashes are being sifted for loot!

Here on the quiet Mogollon Rim is the grave of Andres Moreno. How long before some *vandal* plunders his final resting place for a few buttons?

By MAURICE KILDARE

Photos Courtesy Author

THERE it was—a ghastly yawning hole six feet deep from which five coffins had been removed. Nothing was left but empty space where the unnamed heroes of Arizona's dramatic past had been put to rest with the expectation they would remain there unmolested until Gabriel blew his horn. What a ghoulish ending for men who saved Arizona Territory from the Indian savagery of the early 1860s.

Dr. A. J. Mackey and Dave Hopkins had called me down to the Verde River settlements. We went to the site of old Camp Lincoln established in 1864, forerunner of Camp Verde, afterwards Fort Verde. When we reached the original site of Camp Lincoln on the north side of the river, they pointed to this hole in the ground.

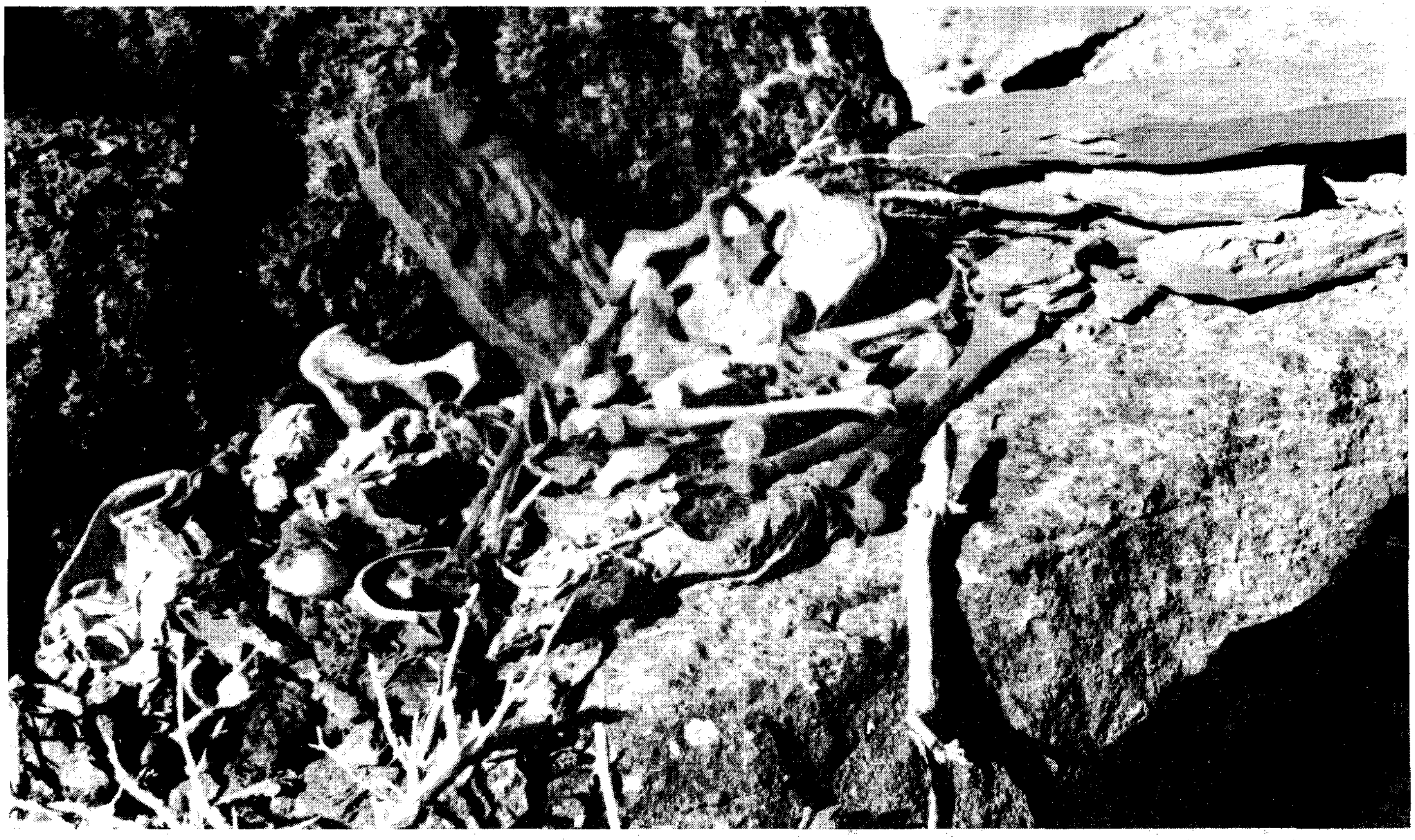
Someone had used a bulldozer to take off six feet of the surface covering the handmade wooden coffins. The impression of each box remained in the bottom.

In these coffins had been the remains of soldiers of the first army detachment that built Camp Lincoln, and the Arizona Volunteers of 1865-1866 who kept the area from being overrun and completely devastated during the Indian wars. The fort was re-established as Camp Verde later, on a mesa south of the river. This is the present city of Camp Verde.

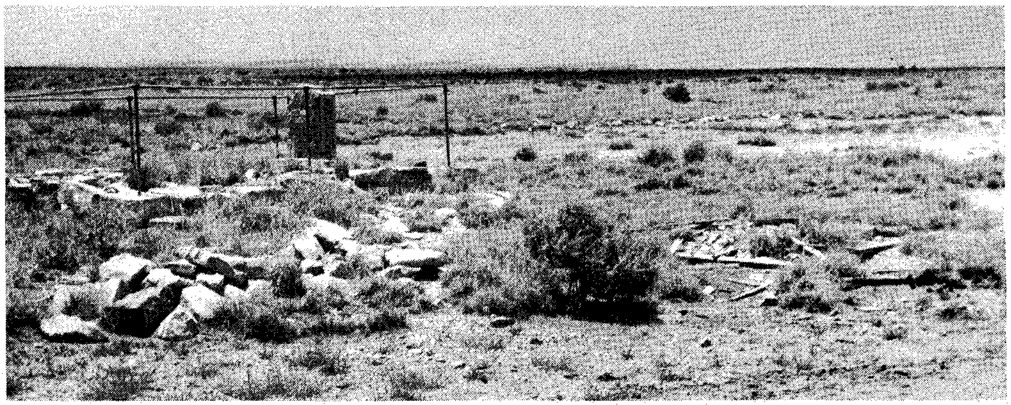
Despite a state law—and a federal law which supposedly protects historical and archaeological sites—criminals removed the five heroes of more than a hundred years ago.

Why were the graves desecrated? Macabre satisfaction? Necromancy, or something akin? No. Without a doubt the culprit was a penny-ante button hunter or old gun collector who imagined that something of value had been buried with these men. Irresponsible relic hunters will go to any length, and in violation of the laws, to dig out a grave, an old monument, mission, fort, or long ago abandoned frontier post just for one single item. It may be no more than a bone or metal *uniform* button.

Mackey and Hopkins were indignant and so angry they could hardly talk. So are thousands of Arizonans today over the vandalism of the graves of frontiersmen and pioneers of Arizona's glorious past.



Above, a few bones and fragments of cloth are all that culprits left of a secret crypt near Fredonia, Texas.



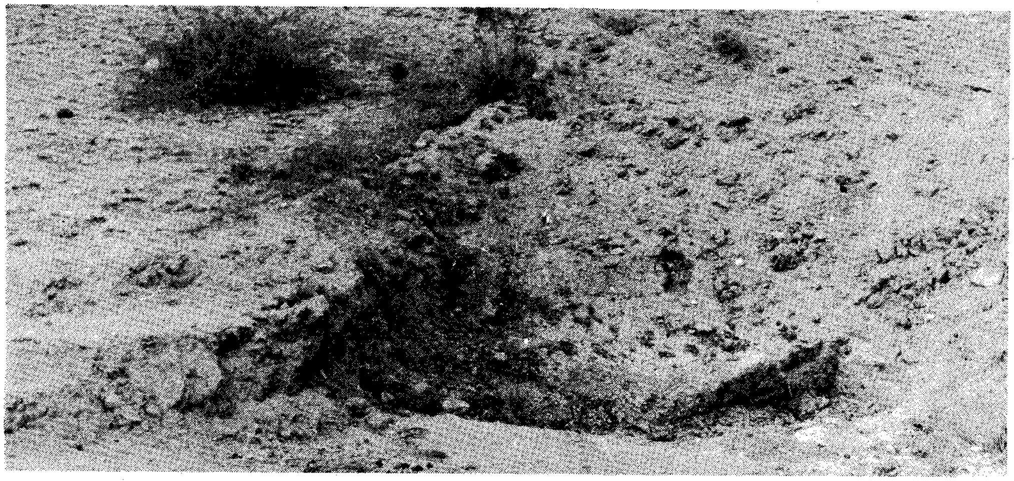
Above, the *camposanto* at Canyon Diablo. Only the grave of Herman Wolf, early-day mountain man and trapper, and the first Navajo Indian trader in the western Navajo country, remains undisturbed. Below, the entrance to the natural tomb near Fredonia, where three men, a woman and child were buried some 100 years ago.

This vandalism has been the sad but daily situation in Arizona for the past four decades. Laws prohibiting it are not strict and more sadly, not enforced. Most wanton violators are from other states, principally California, Texas and the eastern United States. In some of these states they would get up to five years in prison for molesting a grave. Yet a native Arizonan, who is an important man, opened thirteen graves of Indian-murdered soldiers and immigrants on Grief Hill across the Verde Valley from the Camp Lincoln sites. His explanation was that he sought historical material for exhibition in a museum. This is also a familiar excuse given by people using metal detectors who have been caught robbing graves. It is not unusual to see pieces of wooden coffins thrown out on top of the ground and the bones of the dead scattered around. And for what? Buttons on the deceased's clothing or other small, insignificant objects.

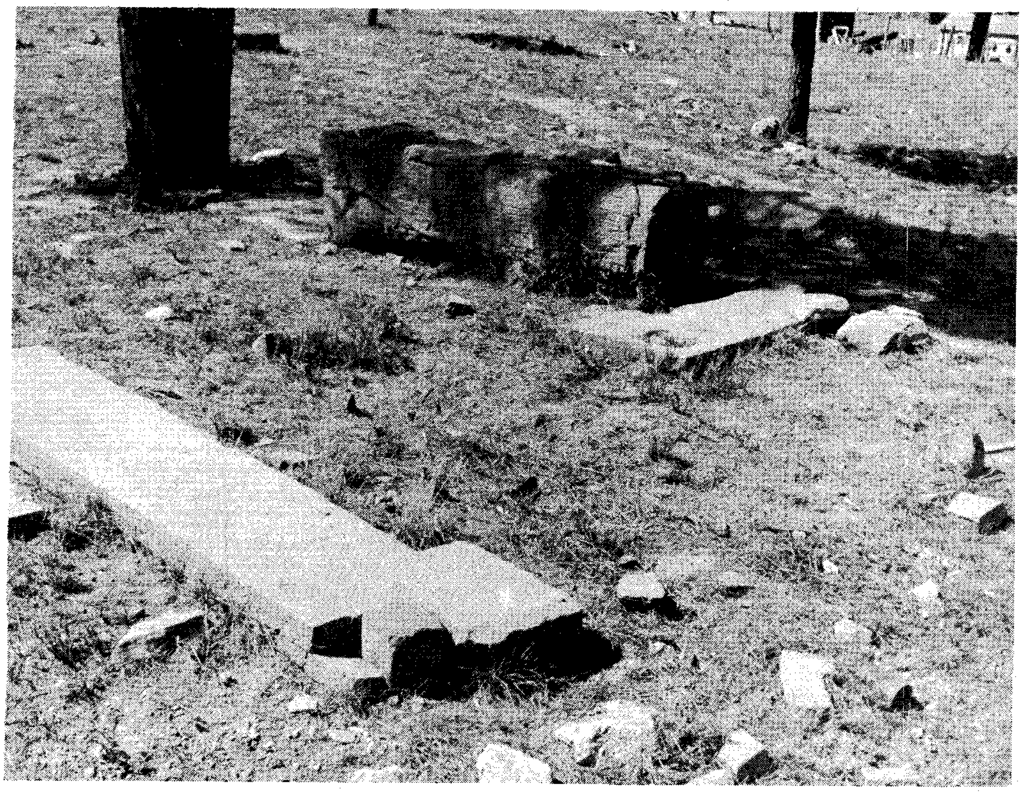
THE oldest graves may not contain wooden coffins. The frontier method of burials was to dig the grave, and near the bottom leave a bench on each side of about eight inches. After the body, wrapped in a blanket, was deposited therein wooden timbers were placed across, resting on this bench. Over them went a matting of grass before the hole was filled.

Such interment of twenty-eight Apache-massacred immigrants at Chaves Pass in Arizona was dug into recently. Most of the victims had been burned in the wagons but what was left of their

Above, old Navajo graves in which fortunes in silver were buried with famous headmen and chiefs are easily identified by material left on or near the place of interment. Below, soldiers' graves were dug out and sifted at old Camp Lincoln at the Verde River *settlements in Arizona.*



Below, the old cemetery on Franklin Avenue in Flagstaff, Arizona where Dutch May Prescott's memory hangs by a thread. Many graves have been removed, or buildings erected right over the sites.



bodies was put in this one common grave by members of Troops A and K, 5th U.S. Cavalry, commanded by Lieutenant Charles King (later a general) November 1, 1874. Whoever found it uncovered the grave and left the charred bones littering the ground. The indifference displayed by these scavengers derives from this fact: *Not one single outstanding case in Arizona has ever been prosecuted and a conviction obtained.*

In the cases of molestation and robbery of archaeological sites and aboriginal graves, yes. But the fines have been only nominal, maybe $10. The "pot hunter," so hated by archaeologists, is an ordinary citizen who seeks ancient Indian gravesites with a rod and then digs them out for the pottery, baskets, turquoise, shell bracelets, copper bells and other items that may be found. If caught on federal land pot hunters are subject to a fine of $500 and imprisonment for ninety days (Federal Statute, Public Law. No. 209). But in no case has this maximum fine been assessed.

The revised code of Arizona 1928, Section 2917, simply states that if any archaeological material is found on state lands, fifty per cent shall be deposited with a recognized museum (if a permit has been obtained) or all artifacts recovered shall be forfeited to the state. Otherwise the excavator is guilty of a misdemeanor and subject to a $500 fine and confinement in a county jail not exceeding six months.

The state law covering digging out a pioneer's grave or any other, was amended in 1960, Section 13-509, classes it as a mere misdemeanor with a fine not to exceed $300. State laws supposedly prohibit without a permit from the county attorney, the excavation of graves in recognized cemeteries. But cities wantonly move pioneer graveyards at will. Some remains are reburied. Some are simply thrown into some convenient gully or a hole in the ground and the rest left *in situ* and houses built over them.

In Phoenix, the capital city, the ever expanding business area has brought about the almost complete extinction of a hallowed pioneer cemetery in the heart of the city. Crypts have been destroyed and grave markers removed and carried away as souvenirs. Gradually the last resting places of many pioneers have disappeared. Once the old cemetery extended south from West Madison to Union Street. Today all that is left occupies a small area between 15th and 13th Streets. There has been pressure for some years to eliminate this cemetery in the name of progress and necessity.

The adobe walls of old Camp Lowell at Tucson, Fort Bowie, Fort Grant, Tumacacori Mission, Tubac and many other famous historical sites have been torn apart. Even the ground has been dug up by souvenir, button, bottle, gun and treasure hunters. Only when Tumacacori was made a national monument was vandalism halted there. Almost all adobe walled buildings, including the mysterious old Guevava Mission, of the Spanish and Mexican eras, have been destroyed in part or wholly by vandals.

(Continued on page 62)

Can Turn a Jury's Head

...sometimes a man gets to be excess baggage!

Portrait of Nellie Bailey taken from her privately printed "vindication" entitled *The Life of Nellie C. Bailey,* published in 1885.

By COLIN RICKARDS

Photos Courtesy Author

CLEMENT Bothamley was the black sheep of his family. The Bothamleys claimed direct lineal descent from John Churchill who had become the Duke of Marlborough because of his brilliant military successes in England's war with the Netherlands. Their home in Kent was imposing and the family honor was shining bright—even if the family coffers were a little low in funds.

Clement was not destined to add luster to the Bothamley name. Though he fell in love with a young girl called Hattie (last name unknown) he jilted her to marry a woman who had private means and would inherit even more.

Only a few years later he met Hattie again. She had married a Captain Mellick but his ship had gone down in the Indian Ocean, leaving her a widow with two small children. A month after their meeting, Bothamley deserted his wife, bought two tickets for the United States and sailed from Liverpool with the girl he had once jilted. They traveled as Mr. and Mrs. Mellick. The children were left with Hattie's mother.

From New York the couple went to Chicago and in March 1880, arrived in Newton, Kansas, posing as man and wife (they may even have been married somewhere on the way). Bothamley bought the old Marsh mansion for $5,350 and settled in. They planned to get established and then send to England for Hattie's children. Bothamley had none of his own.

Newton had had its heyday as a wild and booming cattle town where Texas trail herds ended their long journey north, but by 1880 it had became a quiet center of prairie commerce, a big stop on the Santa Fe Railroad, and a pleasant town in which to bring up a family. And Hattie was pregnant.

In June she died in childbirth and the baby died with her. She was buried in the local cemetery and Clement Bothamley

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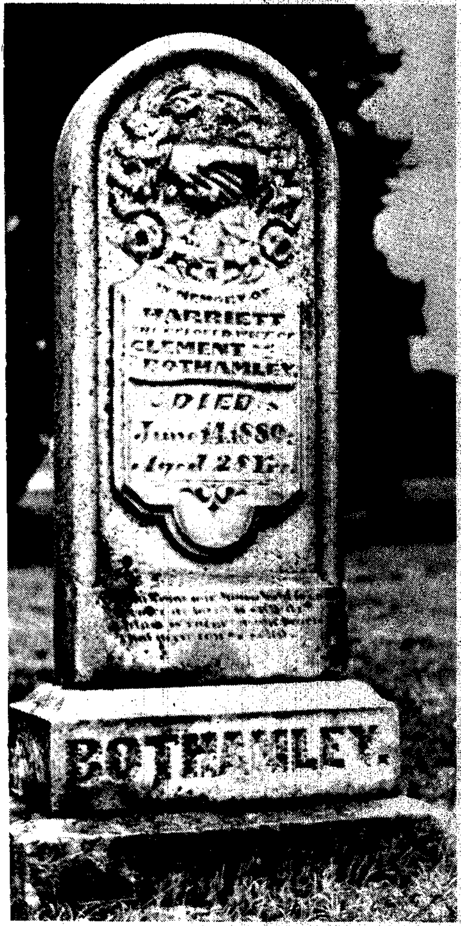
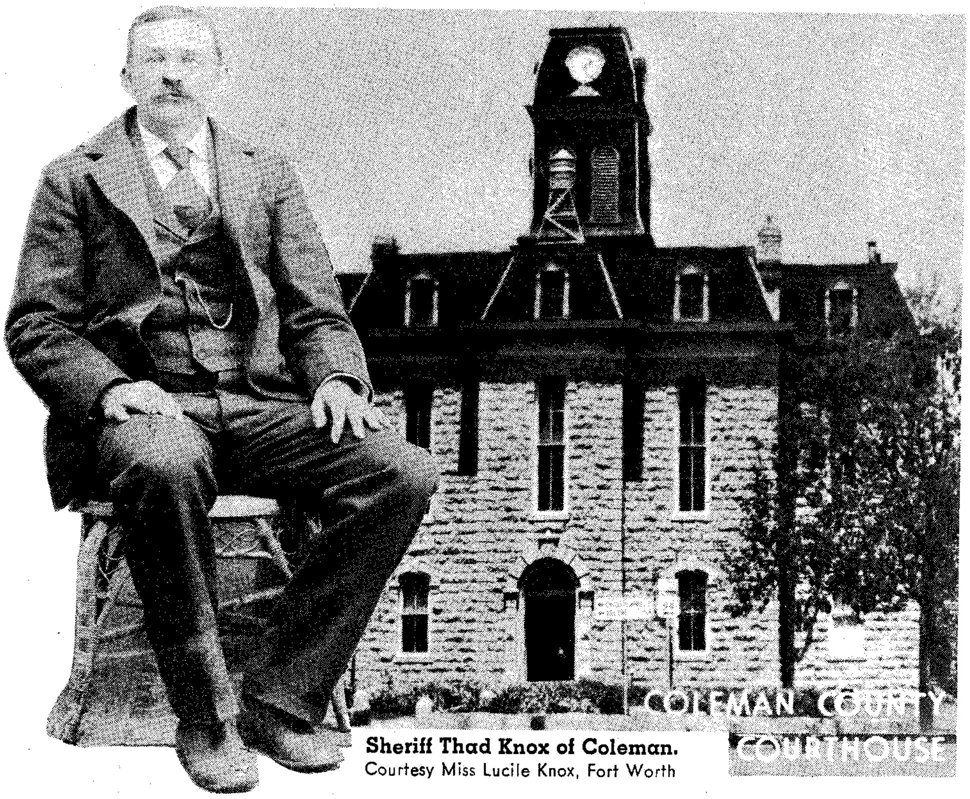
At left, below, is the headstone of Clement Bothamley's wife, Hattie, who died in childbirth. Below is Clement Bothamley. He was buried beside his wife.



Courtesy Waldo Koop, Wichita, Kansas



Sheriff Thad Knox of Coleman.
Courtesy Miss Lucile Knox, Fort Worth

Bill Taylor led a charmed life —in a few respects

AN ELUSIVE BA

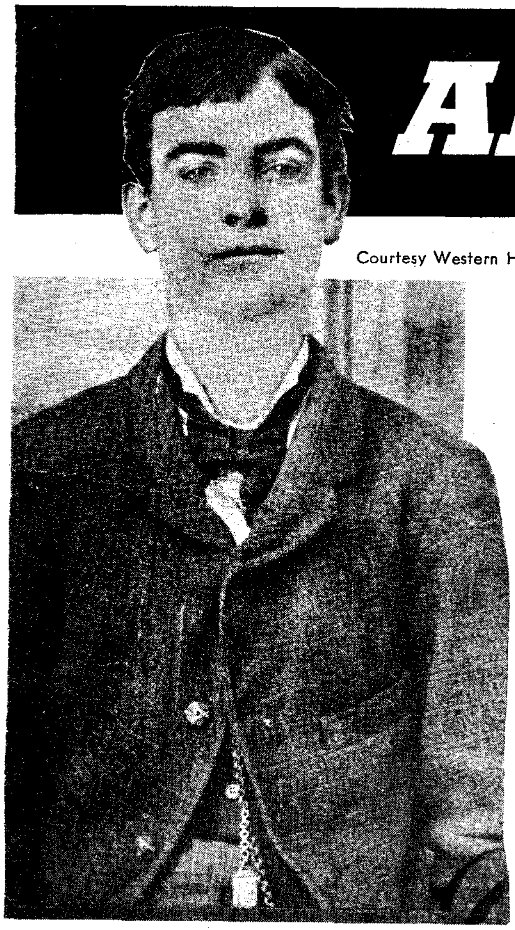
By WALTER GANN
Photos Courtesy Author

FOUR desperate cowboys forced their horses into the rapidly rising Colorado River. It had been raining all night and they were drenched. They had just tried to pull a daring express car robbery and knew lawmen were not far behind. The fierce weather was their only ally; if the rains continued, the ford soon would be impassable and their getaway virtually assured.

Two hours later they uncovered a cache of food and grain in a cove in the Brady Mountains. "I think we're clear," Bud Newman, their leader, pronounced. "Nobody in the world could find our trail through that storm!"

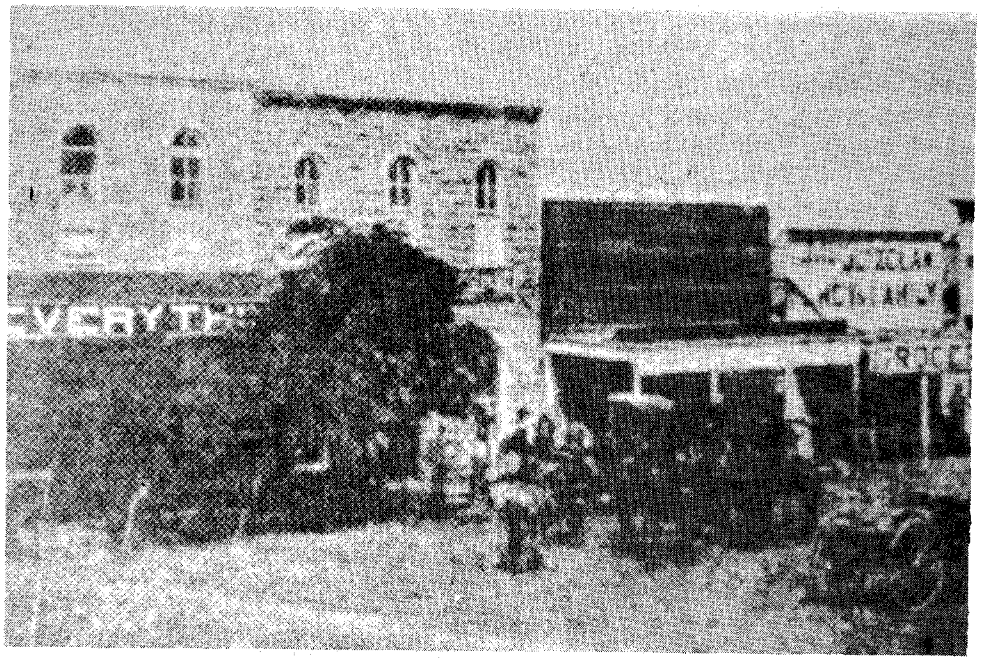
"Just so they don't find that dynamite we lost," Bill Taylor remarked.

For a few minutes they discussed the possibility that if it were found—which seemed unlikely—it could be traced to them. No, they decided, that was too far-fetched even to worry about. Of

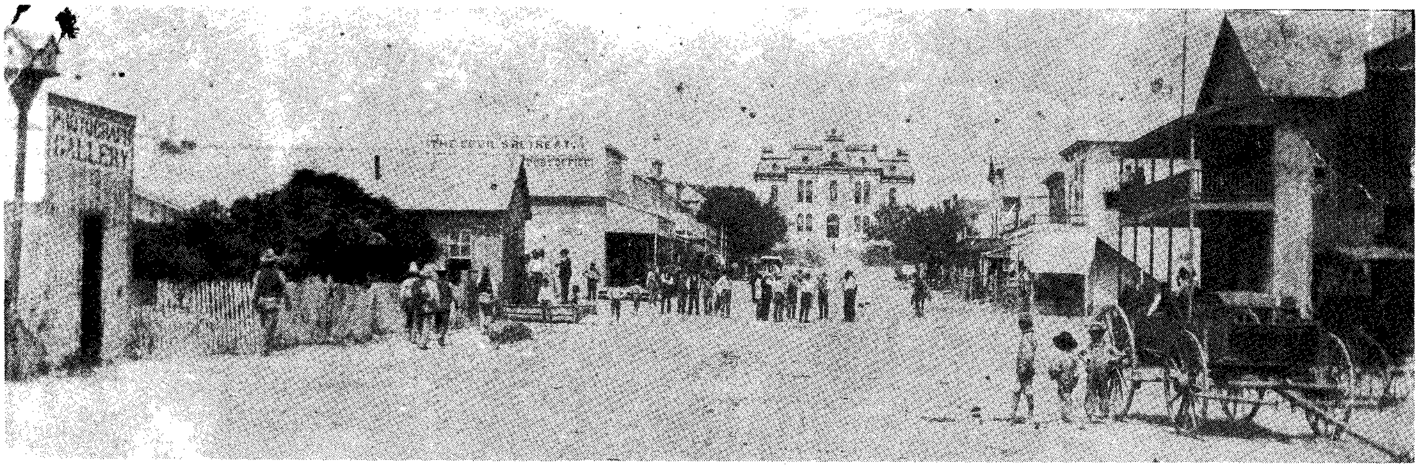


Courtesy Western History Collections; University of Oklahoma Library

Above, Pearce Keaton, one of the three hunted men.



Downtown Coleman, Texas about 1882. Note the Gilt Edge saloon, a popular drover hangout (see arrow).



Courtesy Western History Collections; University of Oklahoma Library

Sonora, Texas in 1897.

greater concern were the wounds which Newman and Pierce Keaton, a reckless overgrown boy of eighteen, had suffered. Keaton's knee had been shattered by a bullet and Newman had a bad flesh wound extending from his left elbow to his shoulder. Neither Bill Taylor nor his brother Jeff was hurt.

The four men had worked together at various times on the great cattle ranges between the two Llano Rivers and on the Edwards Plateau in west Texas. Each had traveled on and was familiar with the operations of the night train between Temple and San Angelo, and had chosen Coleman Junction, an isolated spot, as the best place to board and rob the express.

On the night of June 9, 1898, they made their bid for quick wealth as the train stopped at the Junction to switch onto a spur before backing into Coleman, five miles away. Everything went off precisely as they'd planned it—up to a point. They held the engineer at gunpoint and forced fireman Lee Johnson to accompany them to the express car, firing into the passenger coach as they hurried past. Most of the passengers dived to the floor but Special Agent Howard Buchanan, sensing what was happening, slipped through an open window and dropped to the ground on the opposite side of the train. He then crawled under a car and opened fire. Besides hitting Newman and Keaton with his first shots, he inadvertently gunned down fireman Johnson, whom he mistook for one of the outlaws.

Jeff Taylor fled when the shooting began, and in his haste dropped a package of dynamite wrapped in paper bearing the name of the Hagerland General Store in Sonora. Meanwhile young Pierce Keaton had shouted to Bill Taylor for help and Bill joined his wounded companion.

"I went into the thing not aiming to hurt anybody," Pierce Keaton stated ruefully after his capture. "But when that feller under the train busted my leg and shot that poor fireman down, I done my best to kill him. But I couldn't see nothing to shoot at but the blaze of his gun and I missed."

WHEN the train reached Coleman at midnight, Sheriff Thad Knox formed a posse to ride to Coleman Junction. They found the package of dynamite with its telltale wrapper and the sheriff rode back to town to do some telephoning. He first called Sheriff Perry McConnell of Sutton County in Sonora and told him about the dynamite wrapper. Then, on the chance that the bandits might turn southwest toward the San Angelo gateway, he called Sheriff Gerome Shield of Tom Greene County.

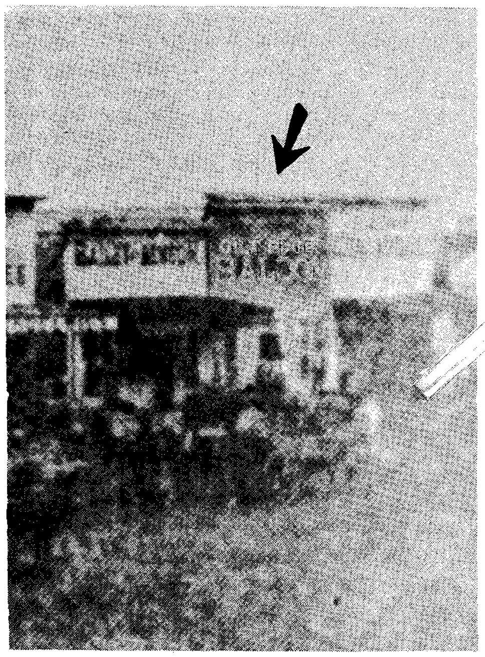
The cowboy bandits were correct in their belief that the Colorado soon would be past fording. When Knox and his posse reached it, the river was running ten feet deep. Two less intrepid members turned back rather than risk their lives

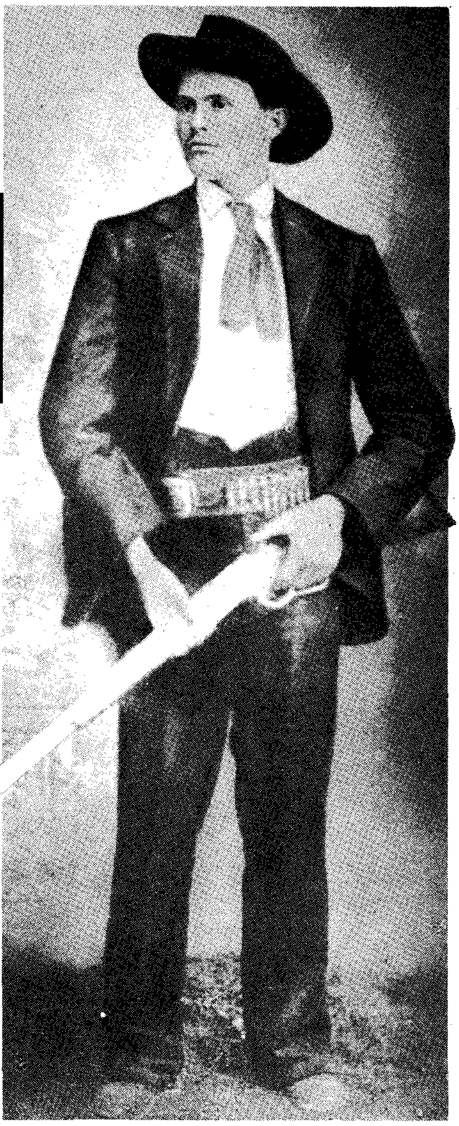
(Continued on page 57)

Below, right, Bud Newman was killed by Bill Taylor.

nyway!

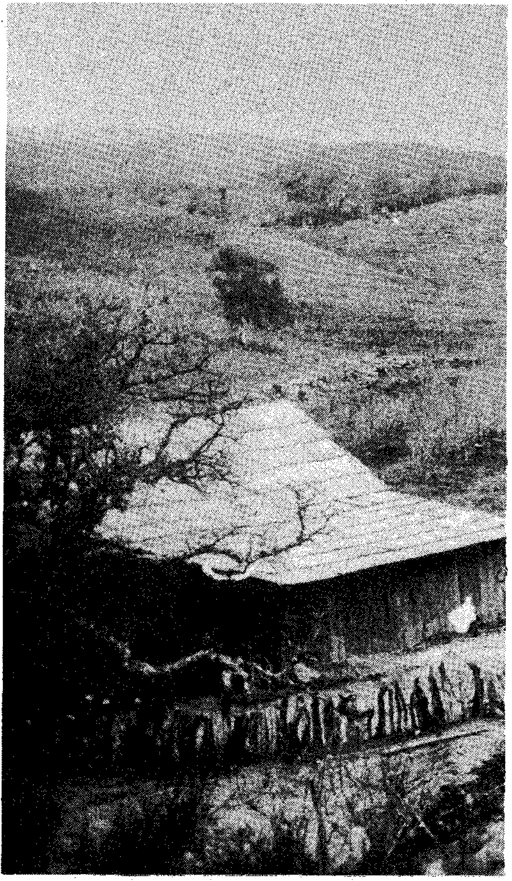
NDIT





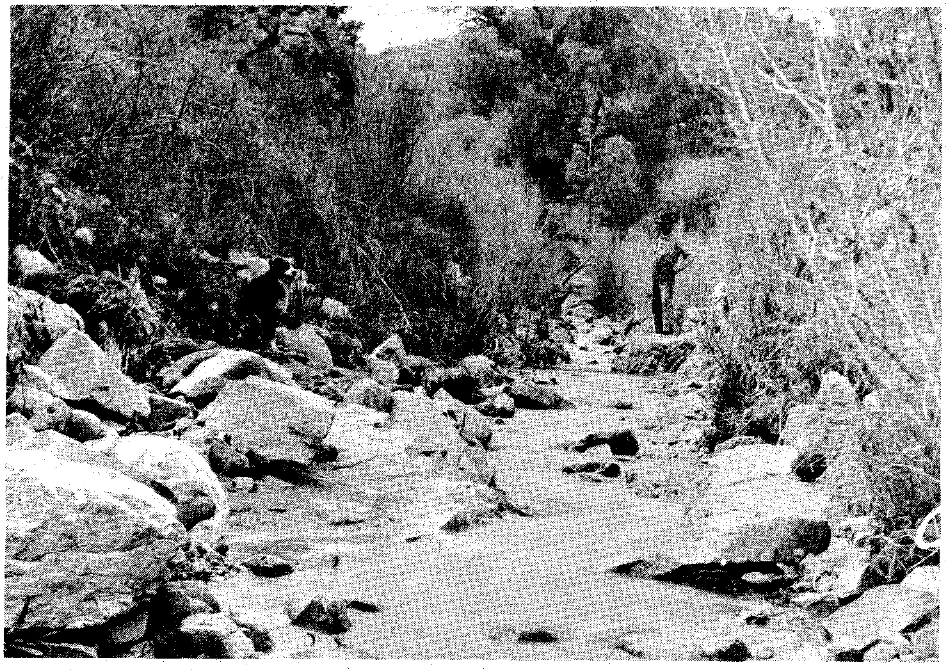
Courtesy Western History Collections; University of Oklahoma Library

THE LA PANZA MINES



There was gold—but never enough to qualify as a boom; and there were prospectors, but they were like quail in drying grass. No one knew of their whereabouts till they were observed in flight, and no one knew how much gold they carried with them . . .

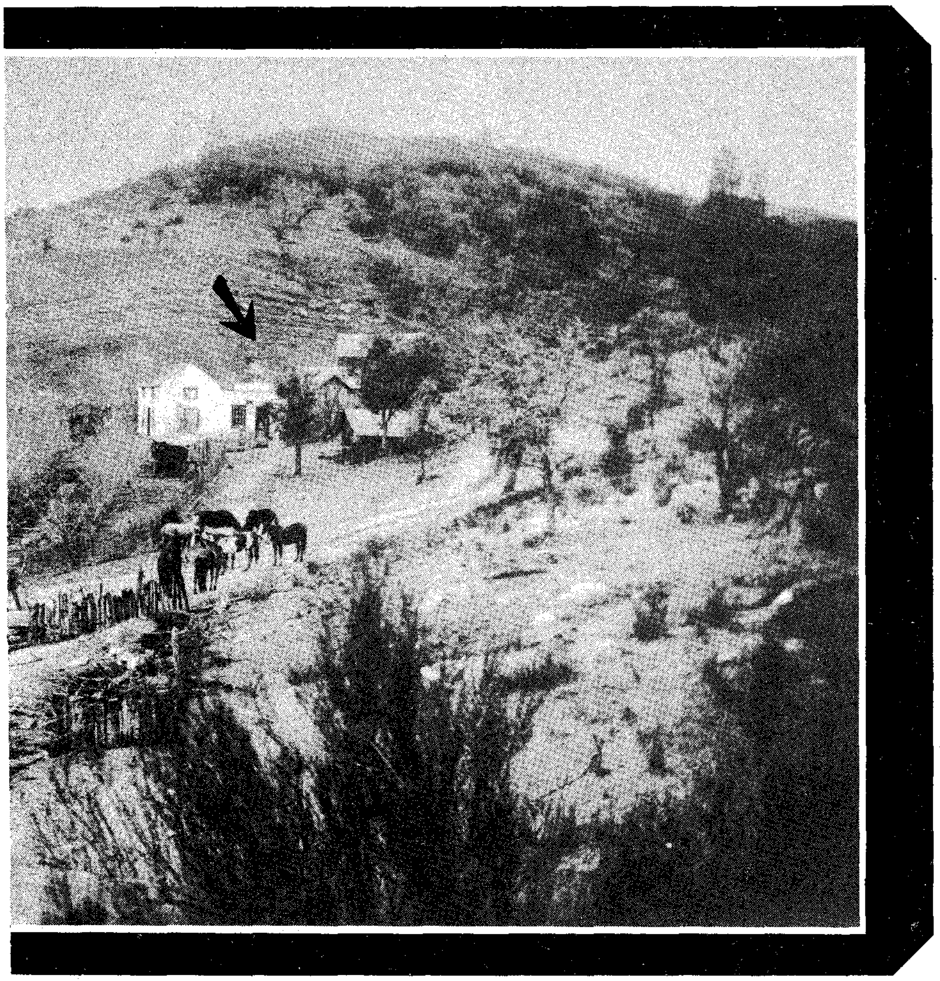
The headwaters of Placer Creek as it comes out of the Cleveland Basin. The spring where Epifanio Trujillo found the nuggets is only a short distance above this spot.

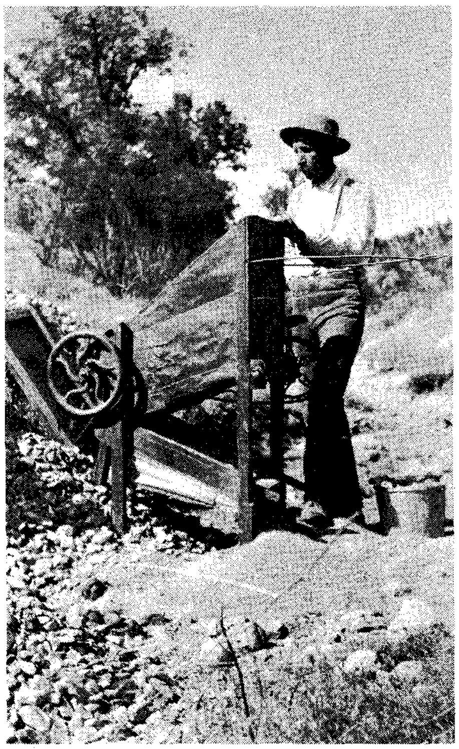


TO Epifanio Trujillo this spring day in the year 1878 had been jinxed from the start. This, the first open day following a late spring storm, had seemed a good time to replenish his own larder, so he had saddled his horse and taken off in quest of a *venado*. But the heavy storms had driven the deer deep into the mountains, and a circle of the hills and draws near camp had proven fruitless. Then, with noon approaching, Lady Luck seemed to smile on Epifanio; for there across the canyon a young buck, his newly-sprouted antlers barely discernable so early in growth, had made his appearance.

Taking aim, Epifanio fired; but something distracted him and he failed to make a killing shot. The buck staggered, then took off up the canyon. Tracking was easy in the wet ground, but the canyon narrowed and became rough traveling. Epifanio dismounted and led his horse across the rock ledges and through the brush thickets, for he did not wish to lose the trail. In time he emerged from the canyon into an upland basin; and here Epifanio lost the trail, for appar-

By ANGUS MacLEAN
Photos Courtesy Author





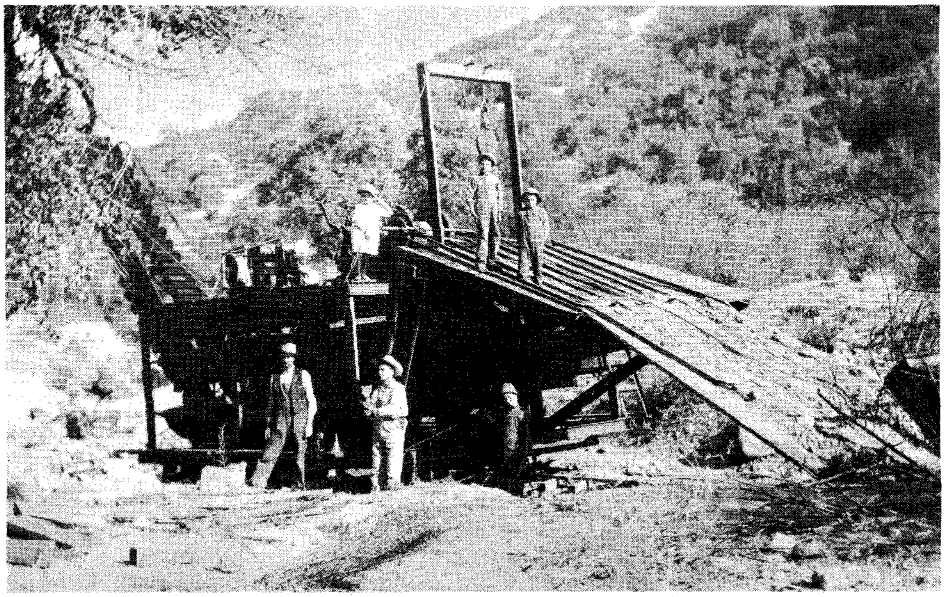
Above, Harry Chester with his "dry washer" somewhere in the Cleveland Basin about 1900. At left, the La Panza post office and store as it looked in 1892.

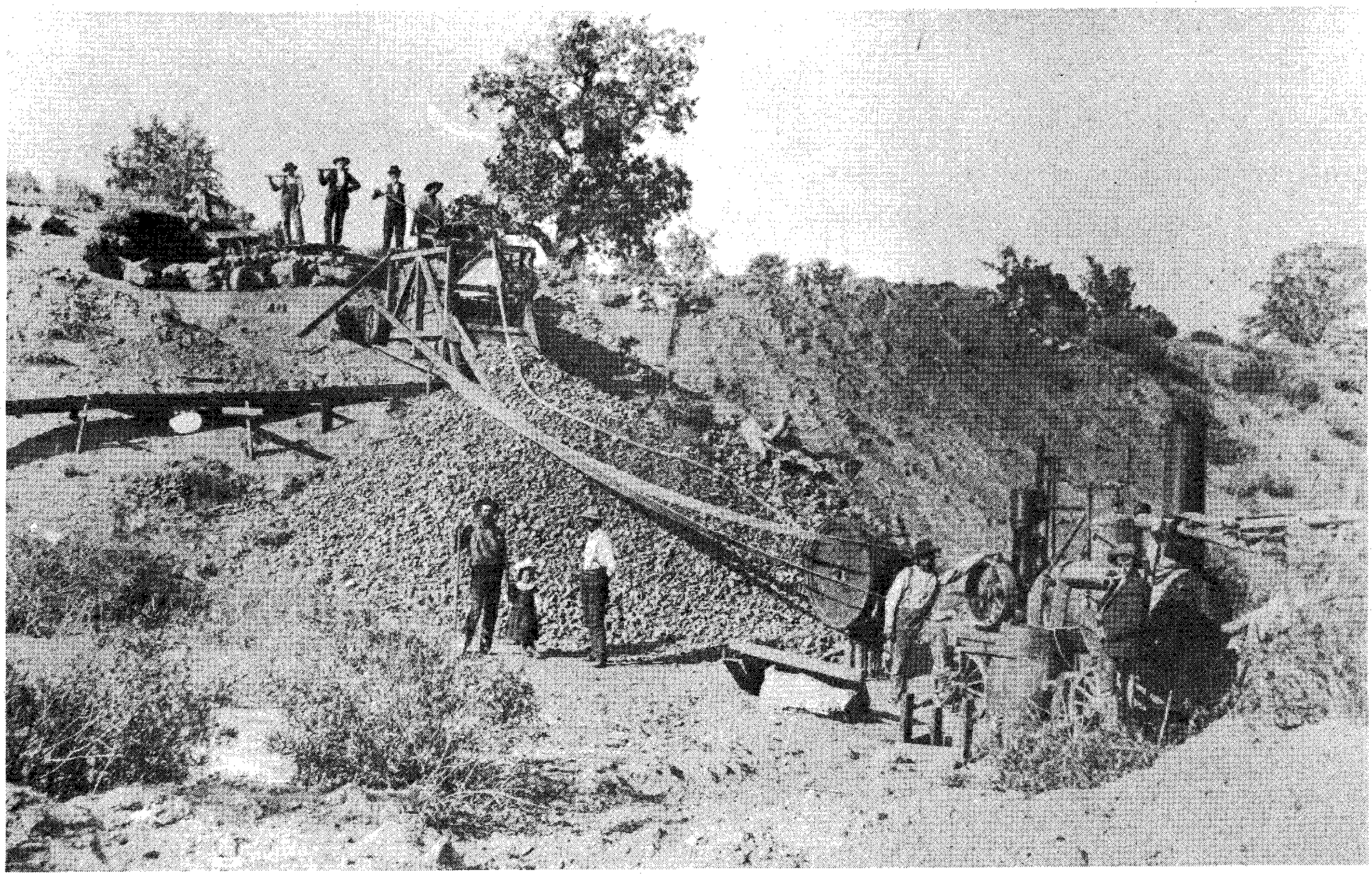
ently the buck had not been seriously wounded.

Before the disgruntled hunter returned to camp, he paused at one of the springs to water his horse, to drink of the cold water himself, and to eat his belated lunch of *charqui.* It was while idling a few minutes at this spring that a glitter in the sandbar in the rill below the spring caught Epifanio's attention. Stooping over, he picked up a small yellow kernel—*una chispa de oro* (a nugget of gold). Running his fingers through the sandy rill, Epifanio saw other flakes of the golden metal, two or three large enough to pick out by hand. Thus came about the "discovery" of what was to be one of the most important of California's gold fields outside the Mother Lode country, and which would within the next few weeks bring a stampede of between five and six hundred men into the mountains, at that time called the Gavilans.

These Gavilans are not the Gavilans of present-day maps, and these mountains—an orphan spur of the Santa Lucia or Coast Range — have gone through many name changes: San Jose Range—so map-makers of the 1880s called them; then the United States Forest Service changed the name to Pine Mountains; then to the Pozo Mountains; and now on maps they are the La Panza Mountains. They lie in eastern San Luis Obispo County, between the two main forks of the upper Salinas River. The west fork—the Salinas proper—has its headwaters in the mountains back of Pozo, curves westward by way of Santa Margarita, then northward by Paso Robles, to be joined just north of Paso Robles by the Estrella River which is actually the east fork of the Salinas. The Estrella, which comes in from a southeasterly direction by way of Shandon, has as its west fork the San Juan coming in from the southwest down the San Juan Valley. This San Juan Creek—for it is only in floodtime that it can be called a river—drains from the same mountains back of Pozo as does the Salinas proper so that these two forks of the Salinas somewhat isolate the La Panza Mountains from the rest of the Coast Range.

The Pierce-Robisciotti dredge which was put on land owned by the Still family. Othor Still (left) and F. Robisciotti are standing in the foreground. This spot along Placer Creek is not far from where the De la Guerras had their first claims.





Quintana's mining operation along Placer Creek in the spring of 1895.

STRICTLY SPEAKING, Epifanio Trujillo's discovery was no discovery at all. The mission padres had known of gold in the La Panza hills, and had Indian neophytes mining there in the early 1800s. But in the 1830s when secularization of the missions had taken over Church property in California, the padres had closed the mines and sworn the Indians to secrecy.

Prospectors had later rediscovered the mines; and at the time of Trujillo's find, John Mason and the De la Guerra brothers—and perhaps others as well—were quietly working claims some two to three miles down the canyon. But it had taken the dramatics of Epifanio Trujillo picking the gold out of the sandy rill with his fingers to spark the gold-fever needed for the wild stampede which followed.

Antonio Buruel (left), Thomas Still, and John Mason (right). All three men were active in the early development of the mines in the La Panza area back in the 1880s.

At the time there were several Spanish-California families living in the flats along the San Juan River, including the Nuñez family. And Valentin Mancilla and his wife Maria had a little thatch-roofed mud-chinked combination store and saloon in the canyon not far from the Mason and De la Guerra claims. Perhaps it was because John Mason and the De la Guerra boys were working profitable claims here that newcomers made their heaviest concentration of claims along a two-mile strip of what is now known as Placer Creek—or perhaps, having Mancilla's saloon so conveniently in the center of things was the deciding factor.

Whatever the reason, what had been up to this point a quiet little tributary of the San Juan River became overnight a roistering mining camp. Quick to see opportunity come a-knocking, Señor Mancilla enlarged his store and bar, and even added a crude dance pavilion.

This first gold-fever did not soon abate, for word went out that various miners had hit rich pockets where several hundred dollars had been panned out in but a few days—though certainly not all the miners were having this sort of luck. Then summer brought reduced water along the creeks, and this slowed the work down. But the spring of 1879 saw a renewal of interest.

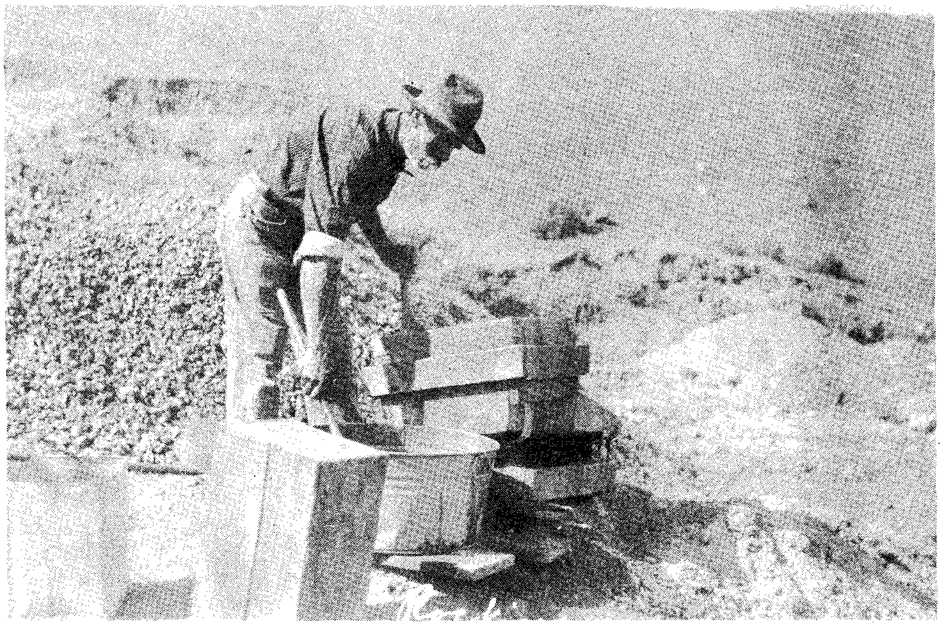
At this time, of the five to six hundred men, some camped on their claims, others just roving around through the hills, perhaps half were bona fide prospectors looking for the big strike, while the rest were the usual run of grifters who trailed along after such strikes hoping for easy money on the side. Prior to his final capture and execution, Tiburcio Vasquez and his henchmen had one of their hideout camps in this vicinity; in fact, the whole of the canyon including what in later years was to be known as Placer Creek had been, prior to this gold-rush of the late 1870s, known as the Vasquez Canyon. And though the bandit himself had taken his exit by way of the rope some two years earlier, known associates of his were among the crowds who swarmed through the mining camps; and at least two of them, Anselmo Herrera and Pasqual Benedero, were eventually to end up in the little graveyard in the mines.

IT WAS the spring of 1879 that Dr. Thomas C. Still, a resident of Kern County, heard about the mining excitement. He loaded a wagon with farm produce and drove over, hoping to sell to the miners. Soon he took up his own claim about a half-mile up the canyon from the Mancilla place, and there built a mud-and-stone house, thatch-roofed. That summer, leaving the three older sons, Abram, Will and Ed, to care for the place in Kern County, Thomas Still, his wife Martha, and their three younger children, Aruna, Othor, and Birma, moved to the mines. That fall the Stills' youngest son Mentley was born.

When Still had first made up his mind to move to the mines, he had applied for a post office, and on November 4, 1879, the La Panza Post Office came into being —named for the historic La Panza Ranch which had been owned in the 1860s by Drury W. James, uncle to Frank and Jesse. Adjoining the mines, the La Panza Ranch was at the time of the gold-rush owned by Jones and Schoenfeld.

Although the Mancillas carried some groceries and other supplies in conjunction with the saloon and dance hall, and though Angelito Acuña and his wife Chona also had a small store-saloon combination, the need for goods was great enough to warrant the Stills' adding a store to the post office.

In addition, Dr. Still continued his medical practice—and indeed he had plenty of calls. Not long after he moved to the mines, he was called out in the middle of the night to cut a bullet out of a man's shoulder. Later Dr. Still was to learn that the man he treated was Librado Corona who as a youth of eighteen some years earlier had been captured with Vasquez and sentenced to a term in the penitentiary. Released from prison, Corona had again overstepped the law, and was at the time of his wounding wanted by the sheriff of Kern County. Apparently he had been shot by one of his own pals in a drunken brawl. His associates managed to spirit him away, seriously wounded though he was, and in this case escaped the law.



Chris Neilson working a "rocker" along Placer Creek about 1900.

In 1882, Dr. Still took up some school land and built a new frame home about three-fourths of a mile to the northwest of the old thatch-roof cabin. The post office and store were also moved, and now with a roomier building the store supplies were enlarged. Then with the opening of the road through the mountains to the coast, the Stills again enlarged the house and made it a wayside inn where travelers could get meals and stay overnight.

IT WAS about 1882 that Thomas Porter, who had done some hydraulic mining in Idaho, came into the La Panza country. He was interested in the area near where Trujillo had earlier found the nuggets in the spring, took up claims there, and interested others in joining with him. Together they set about a hydraulic operation, piping the water down for some distance to get pressure, then cutting into the banks to reduce the dirt to where it could be handled with rockers. It was Porter who named the area around Trujillo's earlier find the Cleveland Basin.

About this time, William Alley and his son Burt came into the La Panza country, eventually to acquire land in the Navajo Canyon and settle there. The Rhyne family and the Bethals also took up land in the Navajo, and became permanent residents. However, for the most part the miners were of a transient nature, working their claims for a time then trying a new location.

By 1885 much of the first excitement of the mines had cooled, though work was still going on. A series of dry years had hampered activity, and many of the miners were getting discouraged and

(Continued on page 47)

Alvin Clark, another of the miners.

TOTAL

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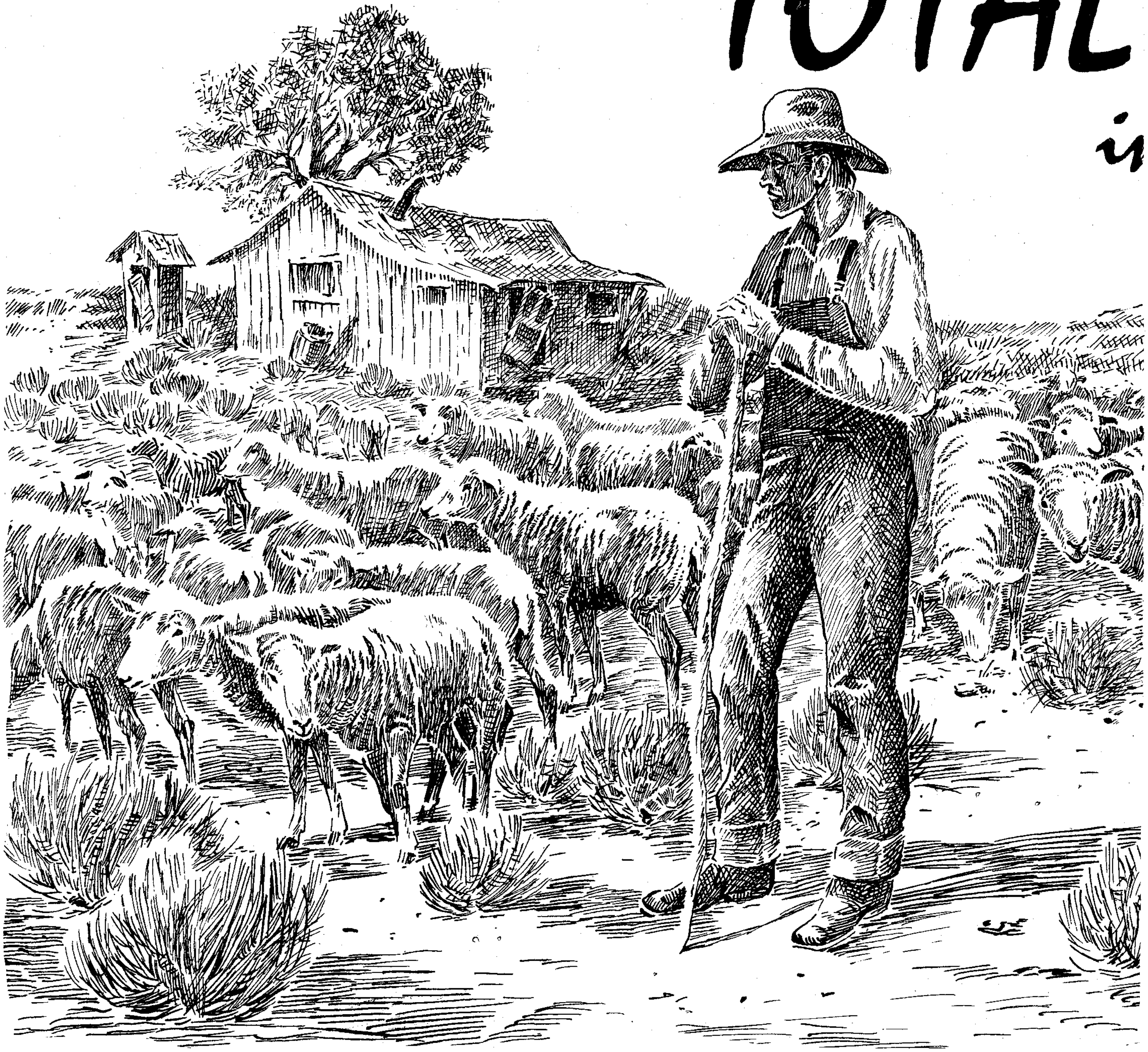


By GARNET STEPHENSON

Illustrated by Al Martin Napoletano

IF *Frank Conrad accomplished nothing* else during his years in Montana, he served as a constant source of gossip in the area around Forsyth.

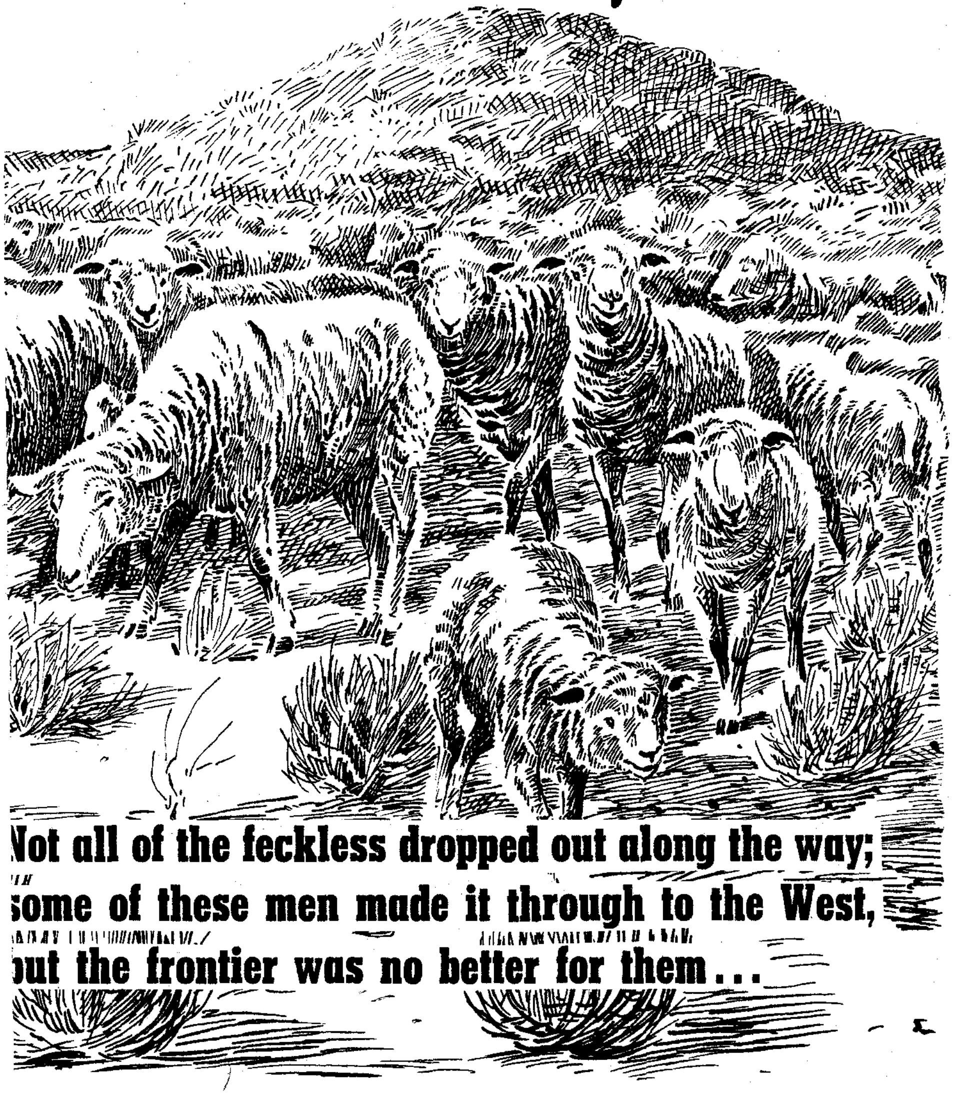
I can see him yet, his tall, slim figure dressed in dirty bib overalls, his one blue eye (I never knew how he lost the other) looking out from a swarthy and usually dirty face. When he walked, the toes of his wide feet pointed outward, almost at right angles to his body.

Frank had been born in Maine of wealthy, well educated parents. He, also, was well educated, had been a civil engineer, and had traveled all over the world helping build some of this century's greatest dams. As middle age crept upon him, Frank had the urge to settle down. He took part in the Montana homestead boom, but as he was a latecomer the land had been well picked over and he homesteaded on a desolate gumbo hilltop.

Soon afterward, a neighboring family went on a visit back to their old home and their homestead was left unguarded. Upon their return everything, even the baby buggy, was gone. The missing furniture was later found in a shed belonging to Frank. The judge asked if he wished to go to the pen or the insane asylum. Frank replied, "Well, if you send me to the pen it will interfere with my getting married. If you send me to the insane asylum it will interfere with proving up on my homestead." The judge apparently had a sense of humor so Frank went free, but as long as he lived he bore the stigma of being "light-fingered."

About 1920 he wrote to his childhood sweetheart, a high school teacher in Maine. He told glowing tales of his "sheep ranch," never quite lying but always misrepresenting the truth. For example, he told her that one could drive a car to town in twenty minutes; thus she assumed that he had a car. Frances, who had only three years to teach in

POVERTY
oods and in spirit



ot all of the feckless dropped out along the way; ome of these men made it through to the West, ut the frontier was no better for them . . .

Maine to become eligible for a pension, forsook all and came to Montana.

Frank met her at the train and they were married by the same preacher who, about sixteen years later, buried her. She later confided to my mother that Frank didn't even have the money for a marriage license. The new Mrs. Conrad, a meek, loyal little person, was loved, pitied, and chuckled at by all of the neighbors. She had been accustomed to servants, had never cooked a meal in her life and, according to local gossip, those first meals were atrocious.

On one occasion she invited my mother and us children for dinner. As fate would have it, my widower uncle brought his small son, Lester, over to leave with Mama for the day, so Mama added Lester to her own large brood in the grey spring wagon. Mrs. Conrad placed a bowl of water in the center of the table, apologizing as she did so that it would have to be a "general finger bowl" as she didn't have dishes for individual finger bowls. Although my western mother scarcely knew what a finger bowl was for, she said, "That's fine," but when Mrs. Conrad brought the pie, Lester blurted, "My dad can make better pie than this."

As was to be expected, Frank's wife had to go to work teaching school. Her gentle soul often must have quaked from its harsh transplanting into rugged, western ways and the thoughtless ridicule of her pupils, of whom even the youngest knew more than did their teacher about driving and caring for the poor, slow, faithful, grey buggy horse, "Darky Dear," who pulled Mrs. Conrad to and from school.

FRANK'S sheep ranch consisted of his 160 acres of desolate, over-grazed land with no water and about 200 very poor ewes. For years he drove the poor, skinny creatures back and forth over the same ground every day, taking them to a spring on an abandoned homestead, a distance of about five miles. There he camped with them overnight and returned the next day so that every second night he slept at the spring and alternate nights at home.

Frank seemed to live in constant fear that someone was going to steal what he had (or find something that he himself had stolen), so often when he and Frances were gone from home he would hire one of the neighborhood teen-agers to sit in the house with a gun always within reach.

Once, at Frank's request, my father went over to baby-sit the premises. Frank set a large bowl of cartridges of various sizes on the table. Then he laid out the guns, explaining which shell went in which weapon. Afterward my father laughingly said, "If a thief had come he would have had plenty of time to carry off anything he wanted while I found the right shell to fit the right gun."

Frank never owned a car or rode a horse. Usually he walked, though he had an old, poor team; a grey horse who hung back until the wagon bumped him almost at every step, and a sorrel which pulled the load. When someone asked Frank why he didn't make the grey pull his share, the answer was, "He's smart."

Frank's bucks ran with the ewes the year round, so he started lambing about Christmastime without adequate sheds or facilities; therefore his lambing loss was high. Very often, if a lamb did survive, the poor skinny mother would have no milk. Many a winter morning he would walk three miles to bring us a shivering orphan lamb wrapped in a gunny sack. Though we children raised bum lambs, the ones from the Conrads' seldom lived more than three days. There was little stamina in them when we got them.

Frank believed himself a successful sheepman, and said of Charlie Bair, who was a sheep king of Montana, "Bair ain't more than half smart."

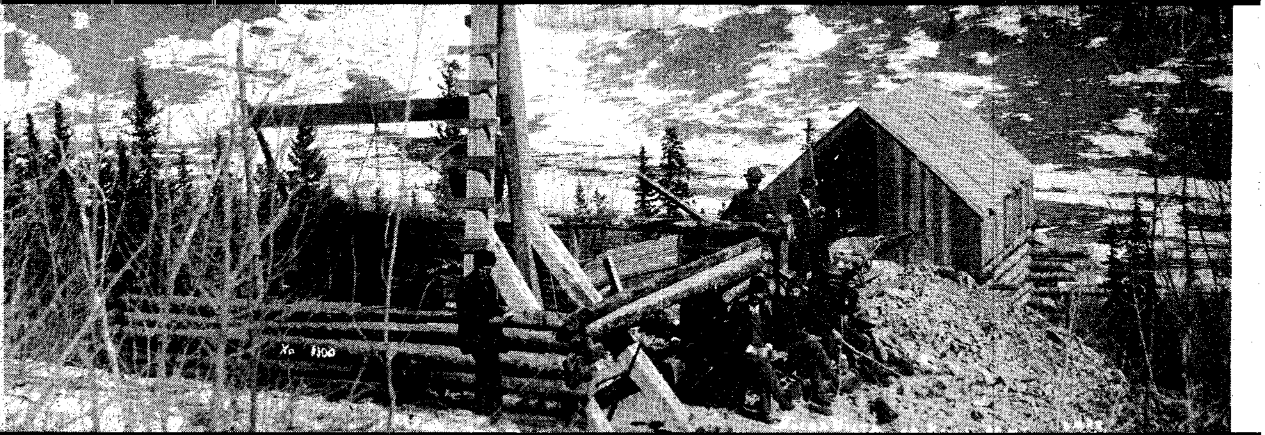
IT WAS about 1925 that a new neighbor moved into the community onto an old homestead which had been vacant. Frank had been used to driving his sheep over one corner of it. The neighbor promptly had Frank arrested and Frank got six months in jail.

A neighborhood girl was hired to stay with Mrs. Conrad and it was at that time that Mrs. Conrad came to my mother and left her brother's address, asking that if anything ever happened to her, would my mother let him know? Very few people knew of that promise until the woman's tragic death several years later.

Once, as she watched my mother's strong, capable, workworn hands at their

(Continued on page 53)

RAILROADING IN



A mining area in Cripple Creek in the 1890s.
Courtesy Denver Public Library

By
ROGER S. PHIPPENY

Photo Courtesy Author

Unpredictable track and unpredictable

I have heard of paid killers on modern-day television programs but actually the old-timers rarely saw one. And yet, there were and always have been a few skunks like a locomotive engineer I worked with in 1913—and even I might have been a killer if fate hadn't stopped me in my tracks with a scoop shovel.

In the fall of 1891 strikes had been made in what later was known as the Cripple Creek Mining District of Colorado. Within a year its population had reached 2,000. In the early days of the boom, main access to the camp was by stagecoach from Florence, Colorado, and led up a canyon about thirty miles; but by 1897 two railroads had been built in. One was the Florence & Cripple Creek which ran up the canyon and supplanted the old stage line. Another, the Colorado Springs & Cripple Creek, traversed a crooked line to the district from Colorado Springs. In a fly line the distance was only about twenty-five miles.

The Midland Terminal Railroad, for which I worked, was a leased line and was used mainly by switch engines in Cripple Creek and Victor to gather up loads for the smelter at Colorado Springs, and to distribute the empties throughout the district.

The original Florence & Cripple Creek line up the canyon was a narrow gauge and ended when it reached Cripple Creek. All the other forty or fifty miles of track in the district proper were standard gauge lines and connected with the main line to Colorado Springs and also to a junction with the Colorado & Southern at Divide, Colorado to the north.

This District area has been described as "set in the crater of an extinct volcano." The towns of Victor and Cripple Creek were approximately six miles apart, directly opposite each other and both close to the undisclosed rim of the so-called volcano. The most direct railroad track joining these two towns was known as the Low Line, while another connection was known as the High Line, the latter meandering around the edge of the "crater" and reaching a great many additional mining properties with its web of spurs and tracks.

Any mine owners not close to these rail facilities were obliged to haul their ore with teams and wagons to the closest available spurs, where they had to transfer their ore to the railroad cars. If the ore was high-grade it had to be loaded into freight cars, but if of milling grade only it could be loaded into gondolas.

There were overhead electric trolley wires strung on all standard gauge lines. This facilitated the operation of both electric and steam trains over the same tracks. The trolley line carried miners in three- and four-car coaches, called "crummies," to their working assignments. Probably no such accommodating combination ever prevailed in any other mining district.

WHEN I arrived in the District in 1913, I started mucking in the mines. I worked in the Cresson Mine and the Bluebird Mine, to mention two, but later found I could make more money on the railroad. The sixteen-hour law was observed by the railroad companies, and it was not uncommon to get in sixteen hours of work in any one trip out. Experienced brakemen were hard to find and those who were available were inclined to be influenced by the highsounding talk of the possibilities of striking it rich. Minimum wages for any kind of labor in the District at that time was $3.00 per eight-hour day.

Living conditions were very good considering the accommodations in out-of-the-way places, but one had to contend with a motley crowd of roughnecks, gamblers, the uncultured, and unrestrained; there were also the refined, only they were harder to find. My memories have to do with one of the coarse, would-be hardboiled little individuals who was a locomotive engineer on one of the switch engines. His nickname did not belie his true character, for nothing else could have been more fitting and proper. It was "Snotty."

To meet him on the street he looked rather debonair, fairly well dressed and

Roger S. Phippeny

CRIPPLE CREEK

An E. L. Bennett photo showing the depot at Creede, Colorado (Jimtown).

Courtesy Library, State Historical Society of Colorado

eople made it a memorable experience!

groomed, with a clear complexion—just a medium-sized man of about 160 pounds and about 5 feet 8 inches tall. I doubt if he ever looked anyone straight in the eye, yet he derided and had only contempt for anybody and everybody.

I remember when we first met. I had gone out one morning as a student brakeman with one of the switching crews. At noon my crew took time out for lunch and we were sitting in an old caboose parked on Bull Hill. The trainmaster's office was just a few hundred yards downhill from us. While we were eating, someone looked out and saw the trainmaster hurrying up the hill toward us. There was much speculation for a few minutes when in he bounced to inquire if that student brakeman was around. So with only a half-day's experience I was told they were so short of brakemen I would have to work with another crew to finish out the afternoon.

There was a rumbling by the old-timers as the trainmaster left, which I did not comprehend at the time. Actually they were lamenting the fact I had to go out with a crew on an engine piloted by Snotty. I learned later he had run over a brakeman that morning who lost both legs in the accident! What I did not know at the time was the fact that I was replacing that brakeman on the balance of his shift.

So down I went to the trainmaster's office to sign up with a different crew, and as I stepped out on the track alongside the new conductor I was going to work with, he was already signaling to Snotty to back the engine down to where we stood. As the locomotive came toward us to pick us up, Snotty was coming too fast and the conductor was signaling and trying to slow him down to pick up a greenhorn. But on he came at about twenty-five miles an hour.

The back of the engine (or tender) was one of those square types with a foot-piece or running board all the way across the back and a guard rail extending across the back of the tank for grabbing with the hands. I got in motion, as did the conductor, swaying first from one foot to the other. The procedure for mounting the foot-board is to let the board strike one's foot at the heel of the shoe, which will boost a brakeman up while his body is swinging away from the oncoming locomotive. It is taboo, however, to step on the board or jump onto it. If not leaning away and lifted off the ground by the approach of the locomotive, the brakeman will be thrown against the back end and receive the full impact.

If the conductor with me had not been a large 200-pound man and plenty active, who threw his arm around me when he saw my head hit the tank, I would not be writing this. As it was, the impact of my head against the tank knocked me out temporarily. I did grasp the guard rail, but without that big arm holding me up I surely would have fallen on the track and been run over. Snotty thought the whole thing was hilarious.

ON another day while working with that crew (which luckily was not too often) Snotty sat leaning out of the cab on the engineer's side of the engine and spotted way down (a half-mile away at the end of a siding) the engine facing away from me and the switching crew delivering the loads to him. The local switching engine was picking up loads here and there and dropping them in to tie onto Snotty's rear end to make up a train. We were at Divide, Colorado, on the Colorado Midland Railroad. When our train was finally made up we were to proceed to Cripple Creek.

It was down-grade toward Snotty in the siding (often called passing track) almost three per cent; consequently, if four or five loads were to be dropped it was customary for the Midland engine to bring the loads down intact rather than cut them loose. Otherwise the loads might do severe damage to Snotty's train with the impact. On this day, five loads broke loose and I, as a brakeman, was riding on top these cars.

The rule of the road is for the brakeman to face in the direction the cars are rolling. Snotty saw what happened and saw me giving a wash-out signal—meaning for the switch engine to slow down. Here I was, gaining speed and unattached from my engine. Finally I applied as many hand brakes as I could, jumping from one car to another, and just before they hit jumped clear of the mess. The effect of my braking before jumping helped some but not enough to stop the loads from hitting the rear of Snotty's engine with a terrific bang, to say nothing of my jump from the top of the cars and taking a chance of killing myself.

As soon as I discovered I had not broken any bones and realized that Snotty could have prevented this situation by tooting his whistle instead of never moving a finger, and further realizing that he just liked to see a brakeman in trouble, I picked up my brake stick and started for Snotty's engine.

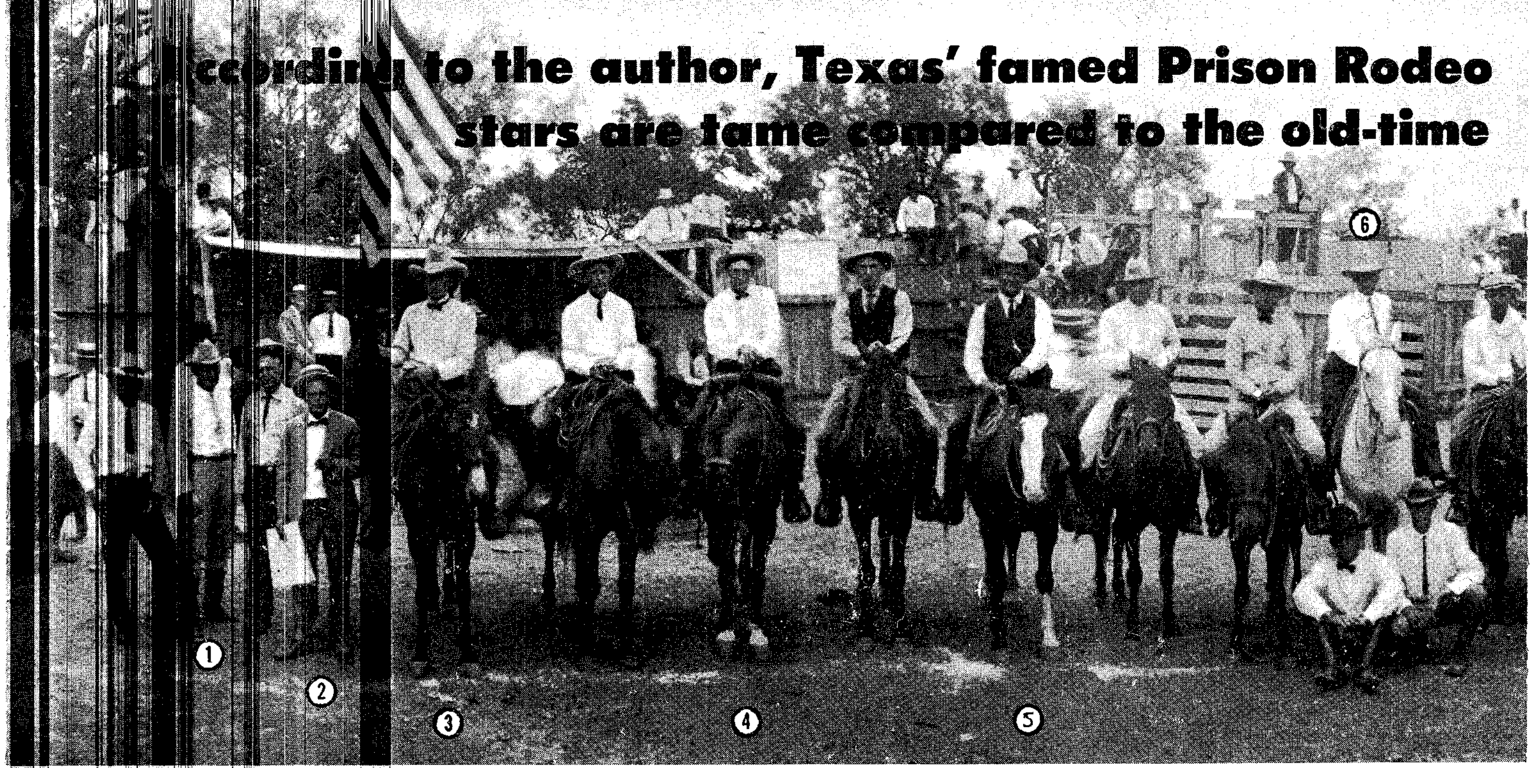
As I came up to his engine he was still just leaning on his elbows with that silly grin on his face. I was getting pretty mad with every additional step I took and had just mounted the second rung of the iron ladder to the cab when his fireman with a raised scoop shovel said, "That's far enough, sonny, you're not coming up here!"

Back on the ground with both feet I looked up at Snotty. He was still looking down at me with a cold grin. And that was when I promised him something—something which if it had been carried out, no doubt would have landed me in the electric chair. And he thought it was funny!

Snotty tried other tricks, too, but I was waiting to get even. He had considerable seniority and was dreaming of the day when he could leave the switch engines and get a passenger run from Cripple Creek to Colorado Springs on the main line. He liked speed and on one foolhardy occasion almost turned an engine over just out of Victor on a sharp curve. I was along that time, too, riding just the light engine heading for the roundhouse in compliance with the sixteen-hour law. One law Snotty never

(Continued on page 70)

According to the author, Texas' famed Prison Rodeo stars are tame compared to the old-time



The 1924 "Tex" Jones Rodeo, at Belton ,Texas. A few of the key people and participants are identified. From left to right: 1. Dee Feelings (or Fieldings), 2. D. A. Ellis, 3. Otis Dolittle(?), 4. Smokey Jackson, 5. Nance McBride, 6. Will Bogard, 7. John Robert McBride(?),

By STELLA GIPSON POLK

Photos Courtesy Author

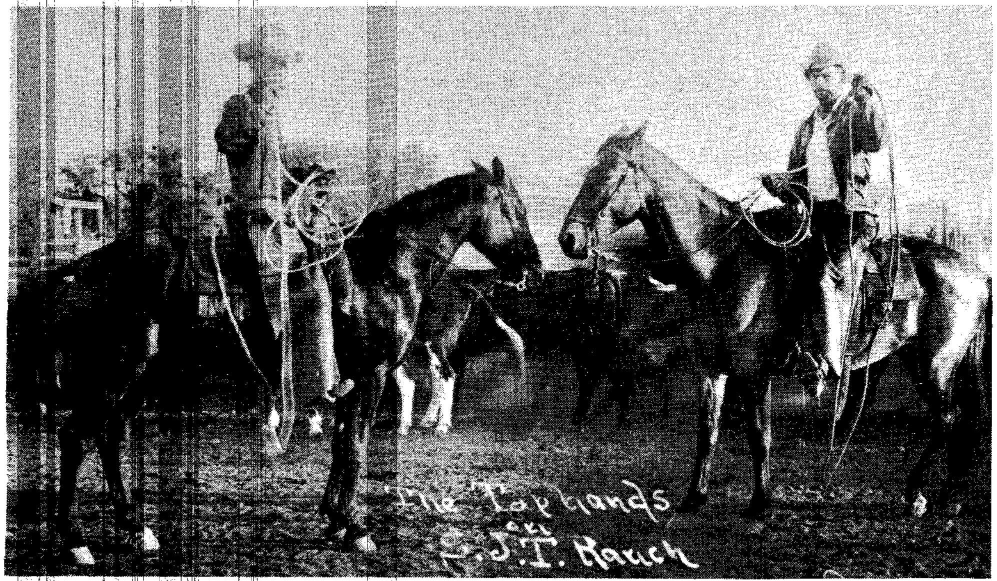
Photos Courtesy Wayne Spiller, Voca, Texas

THIS is a story of Ed Spiller and of other cowboys who rode horses when they went places; who rode horses when they stayed home; and who always rode them on the lookout for deviltry. They had never heard of drag racing, but when the old San Saba humped its back on a rise, they rode their horses off bluffs and swam that heaving river—just for the heck of it.

"A cowboy could make his roping pony do just about anything he wanted," Ed Spiller told me, "but if you write it down, nobody's going to believe it." It was one of those August evenings when it was more pleasant to sit outside than to move in. A bullfrog bellowed from our house pond but eighty-year-old Ed did not seem to hear it. He was back in the saddle again.

Thomas Edward Spiller was born in the Texas community of Voca. As a child he played up and down Lost Creek where he developed a love for horses. In his *Spiller Genealogy*, Ed's son Wayne tells this amusing story: Ed Spiller's mother kept a flock of geese for their feathers and for their meat and drippings of fat. It was Ed's job to herd those geese up and down Lost Creek. But loving horses the way he did, Ed was not interested in corralling a flock of geese. So he devised a scheme to keep the old ones from wandering off; he would bury the goslings up to their necks in the damp creek sand. This left him unlimited time for play. Then when the sun slanted through the trees, Ed would dig out the goslings and drive the geese home.

Charley Miller (left) and Mose Locklear.



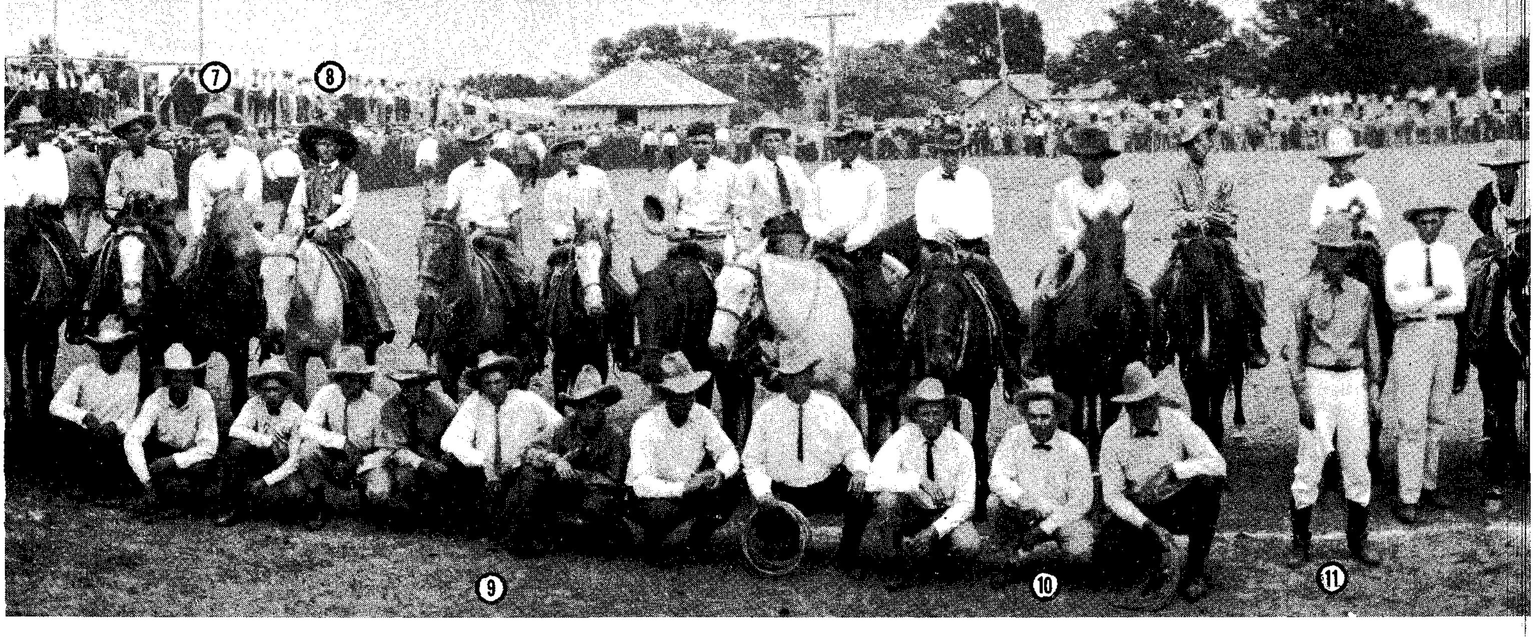
ED'S purchase and training of horses developed into a profitable side line business. He sold to the Army in the days of the horse cavalry and he trained and sold many horses to such polo players as Rube Williams and Cecil Smith. No matter how attached he became to his horses, Ed Spiller never let sentiment hurt a good sale. Well, there were a *few* exceptions.

His favorite cowpony was Yellowcat, a dun about 14½ hands high with a black stripe down his back and a small triangular white spot between his eyes and ears.

In no cowman's language did Yellowcat resemble a good roping horse. He didn't buck when he was broken to ride but he was a terror to saddle. Eared down, he would spill the saddle before it could be cinched. Then when the saddle touched his back he would jump, one time toward Ed, the next time away from him. In fact, the only way Ed could saddle Yellowcat at first was to wear him down—before he wore Ed down. In time, however, Yellowcat became as docile as a kitten.

It was on this horse than Ed and his cousin, George Spiller, Jr., set some brilliant roping records. It was also on Yellowcat during the early 1900s, at Belton, Texas, that Ed Spiller and Ira Locklear tied for first money in goat roping with a time of 7½ seconds. Before the rop-

COWBOYS from VOCA



8. Tex Jones, rodeo director. 9. Johnnie Mullins. 10. Max Underwood. 11. Hank Carlisle, rodeo announcer *(Continued on next page.)*

ing, an onlooker offered to bet anyone in the crowd $1,000 that Ed Spiller took first money; he had no callers.

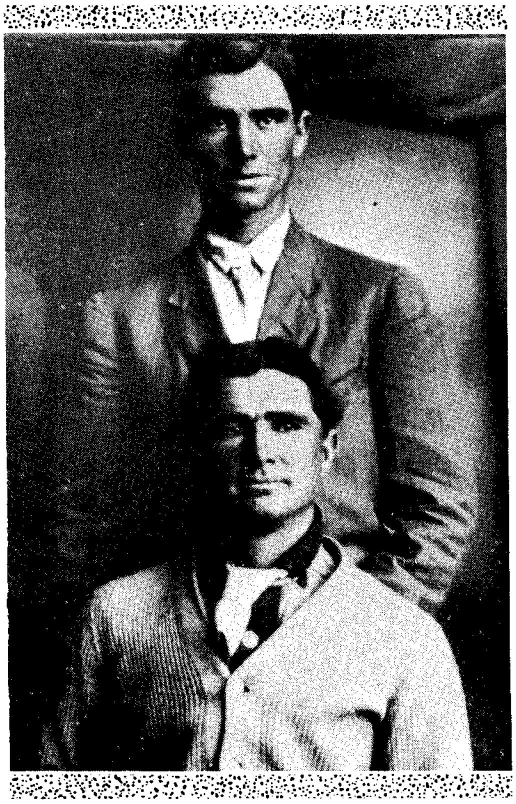
Once at Llano, Texas, George Spiller aboard Yellowcat roped and tied his goat in 9 seconds. He was disqualified for breaking the barrier and given a second try. Again he made 9 seconds.

Ed rode Yellowcat some ten years. By then the horse was getting old but Ed could not bear to sell him. With his former "gosling ingenuity" Ed lent Yellowcat to Johnny Selman with the stipulation that Selman would return the horse if Ed ever needed him. Knowing what a good home Yellowcat had with Johnny, Ed never needed him again.

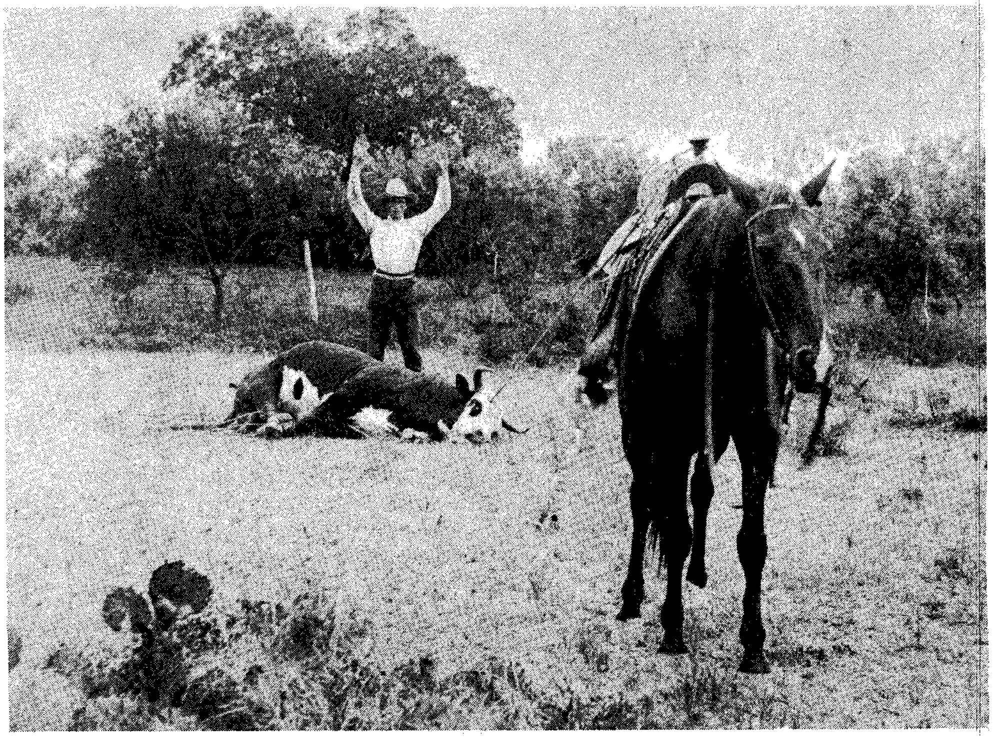
Johnny Selman gave Ed a new saddle, chaps, a hat and two horses. One of the two horses happened to be one which Johnny had bought from Ed previously, paying $150 for him. The saddle, chaps and hat cost $175. Evidently Johnny Selman approved of borrowing Yellowcat.

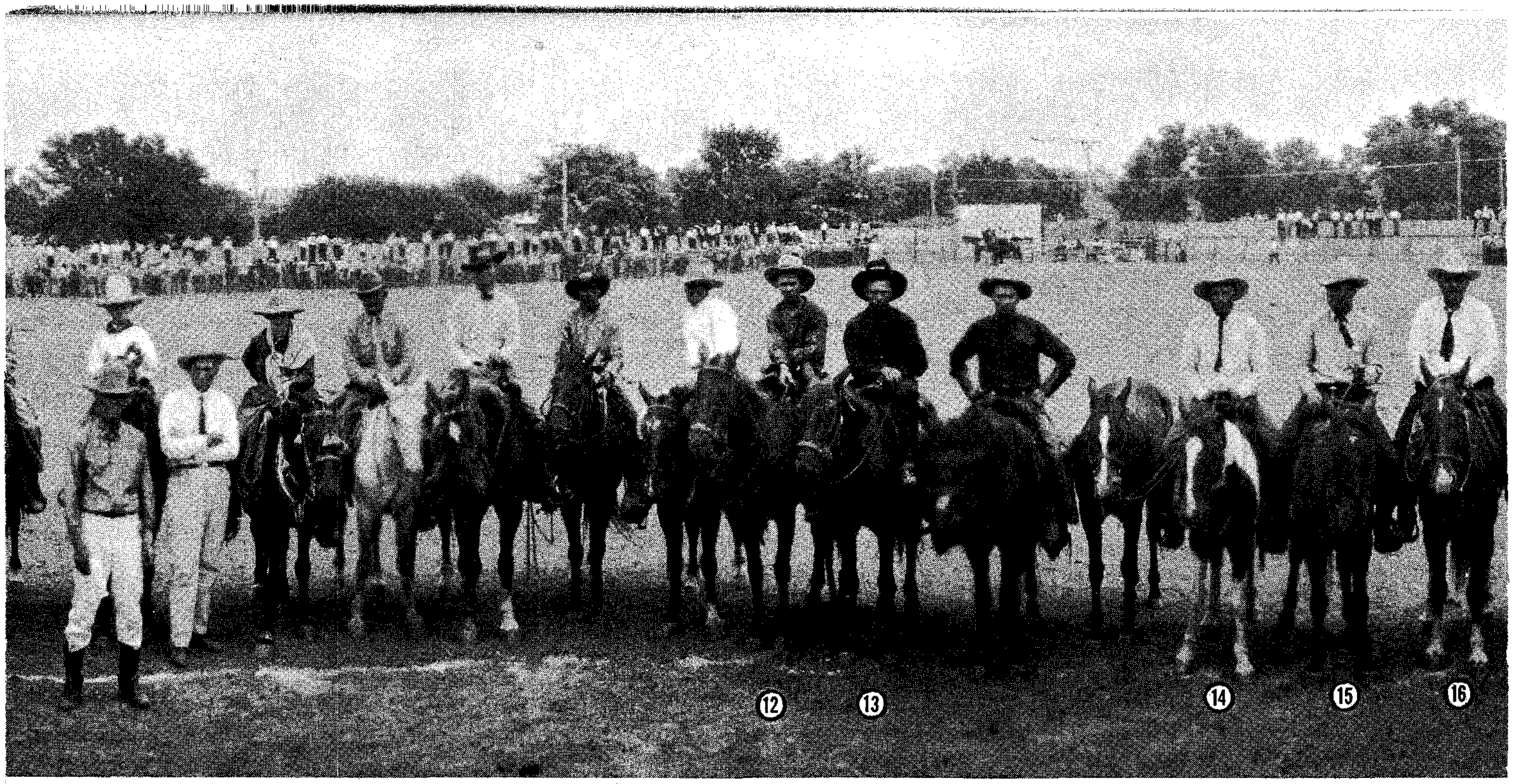
Ed owned other horses, each wearing a name descriptive of the animal's physical appearance or giving some hint of

Ace Banta (top) and his brother Von.



Cuter Worrell roped a big one here. Horse is trained to add tension to the rope when the critter moves. Horse may appear to be facing the wrong direction to a novice, but he's not. When "fairgrounding" big cattle, the cowboy ropes around its rump and passes by at full speed. This action draws the animal's legs together, and down it goes.





(*Continued from previous page*) **12. Doc Spence, 13. Dan Utley, 14. Ira Locklear, 15. Ed Spiller on Yellowcat, 16. Sud Locklear.**

character; there was Whiteman, Smokey, Little Red and Cannonball. And then there was Freckles. Freckles, a gift horse, was a beautiful Arabian.

Leslie Shannon, a young neighbor boy, fell in love with Freckles. "I thought I'd have a little fun," Ed confessed, "so I said, 'Leslie, did you know that Freckles can talk?' With that, I asked Freckles a question that required 'yes' and then pinched him on the breast causing him to duck his head. When I wanted a 'no' I would pull his forelock so he would shake his head. When I asked how old he was I hit my foot against his heels three times, causing him to stamp three years." Here Ed laughed. "It was mean," he said, "but it sure was fun."

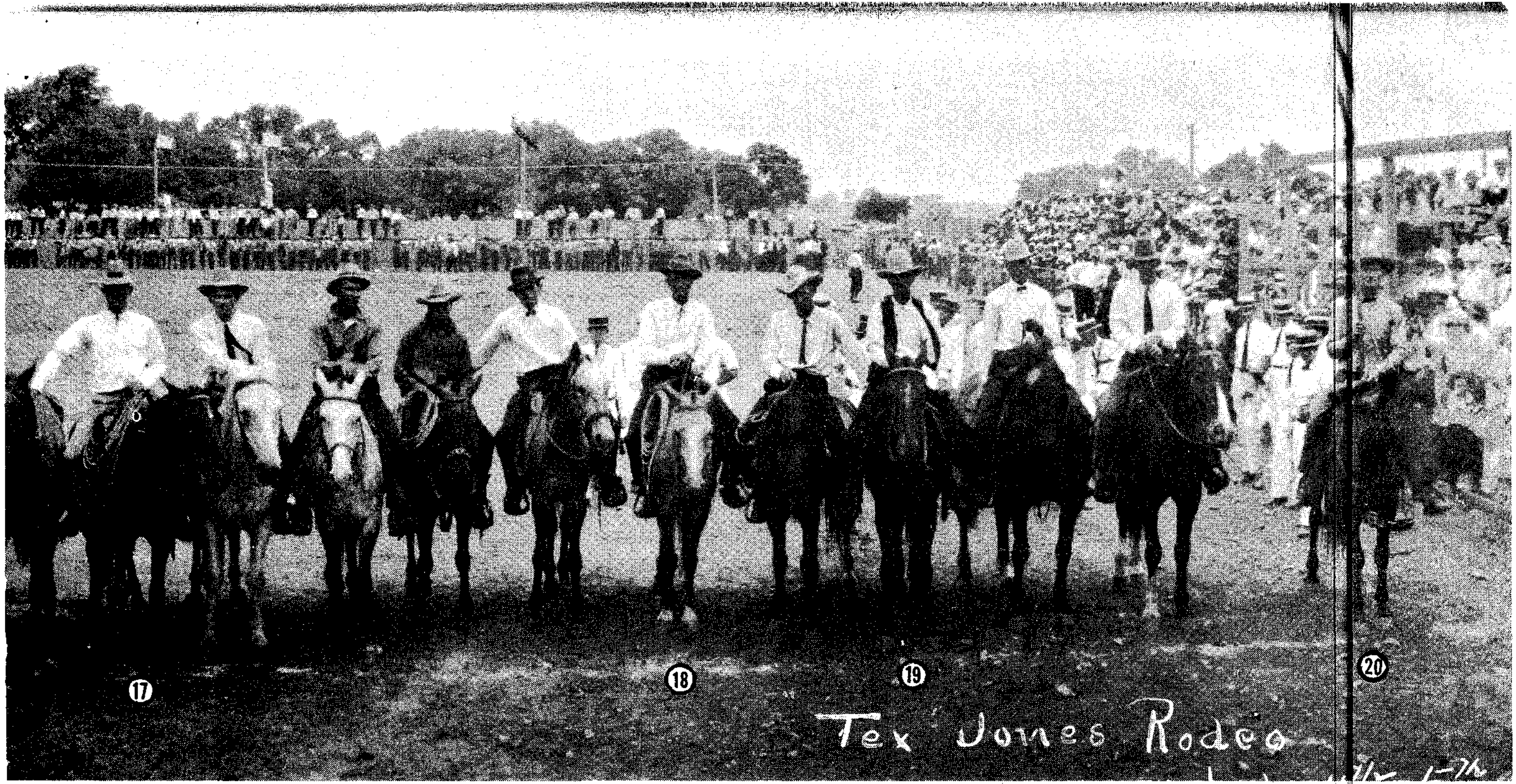
SATAN and Carrie Nation, brother and sister horses, were the really tough ones. In Ed's words those two were the "meanest damn horses that ever lived." When I asked Wayne about them he declared that his opinions of Satan and Carrie Nation "were—and are—unprintable."

Ed's brother-in-law Lon Locklear had given Ed half interest in Carrie Nation if he would break her to sell. She was a beautifully proportioned sorrel mare sired by the famous stallion June Bug, and she bucked every morning.

"Dad hoped to polo Carrie," Wayne told me. "At that time we lived in a cove of the Brady Mountains north of Voca. The horse trap of some twenty-five acres ran on top of a hill west of the house. It was rocky, thorny and sloped upwards about 200 yards from the barn and lots. One morning when the air carried that first tang of fall, Dad mounted Carrie, not letting her buck, and rode out for the other horses. On top of the hill a briar scratched Carrie and she promptly spilled her rider. Scared at what she'd done, Carrie headed for the barn, stirrups flapping, reins flying. At

Left to right, Charlie Mills, Sam Hayes, and Mose Locklear.

Charles Deans mounted in center, in front of the blacksmith shop in Voca back in the early 1900s.



17. Jack Underwood, 18. ......McBride, 19. ......Ellis, furnished the roping stock, 20. "Wildcat" Bill Rogers.

the water lot she hit the net wire fence, tangling her feet and ending up on her side."

Scratched and bruised and good and mad, Ed Spiller hobbled down hill. "He was just in time to see Mother and Jess Boggs, the hired man, running in circles looking for him," Wayne recalled. "Mother didn't care what happened to Carrie Nation but Dad sure did.

" 'Cut that mare loose,' he yelled from the hill. 'Do you hear me? Cut her loose!' Jess Boggs cut her loose."

Not only was Ed Spiller crippled for some six months after that spill but he had to break Carrie Nation all over again. And by that time Carrie had developed a new trick—she could buck backward as well as forward!

The day came, though, when Ed's wounds were sufficiently healed to give Carrie Nation a rough ride. When he got her back home, he tied her to a tree and went looking for polo buyer George Miller.

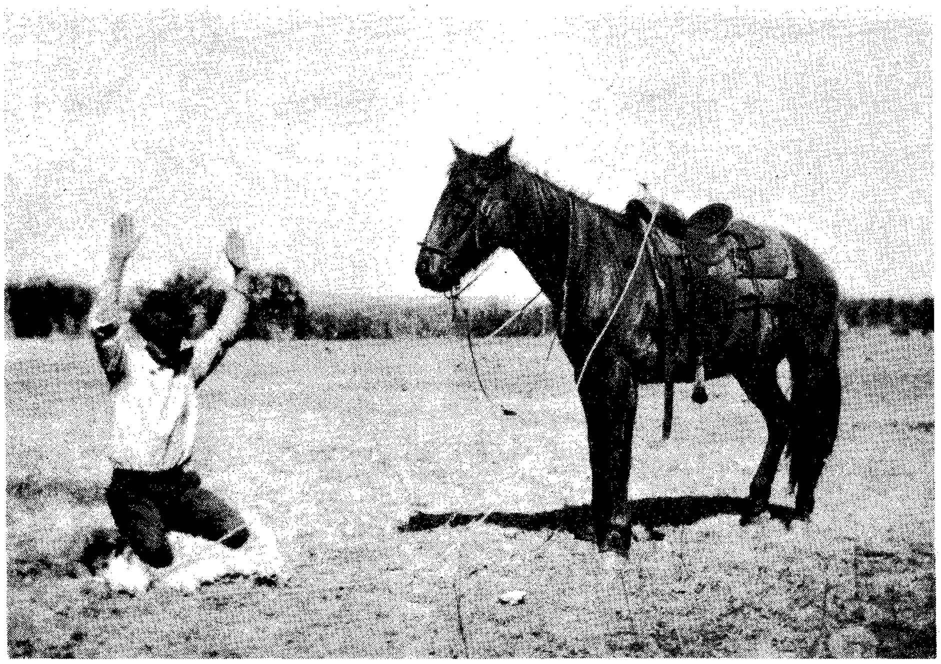
Miller and his friend Cecil Smith drove out to the Spiller ranch to try out Carrie Nation. Cecil removed Ed's stock saddle and put on his polo rig. Carrie Nation played the perfect lady she wasn't —she didn't buck a time.

Ed pointed out an outlaw cow. Cecil and Carrie brought her in. "I'll take $300 for that mare," Ed said, and the dickering began. Ed finally wound up with $250. Later, George Miller sold Carrie for $1,500. Within a week, however, Carrie Nation was dead—apparently from heart failure.

Ed first saw Satan when Lon Locklear asked him to come over and break a new horse. Later to be named Satan, it was then little more than a ball of hair, but Ed saw right away the undernourished little animal had spunk. Ed rode the horse a week or so, after which Lon turned him out until the following spring.

(Continued on page 63)

Ed Spiller and "Yellow Cat" on the job.



Mose Locklear on left, and Bud Spiller.

1867 APACHE

Cattle and horses drew the Indians; tiswin and carelessness sp

By LILLY CASEY KLASNER and MAURICE GARLAND FULTON

Edited by EVE BALL

During the late 1920s and early '30s, Maurice Garland Fulton in collaboration with Mrs. Lily Casey Klasner wrote a book in which her early experiences as a resident of old Lincoln County were related. This manuscript was never offered for publication, was lost for many years, and just recently has been found. This account constitutes one chapter from the book.

ROBERT A. CASEY, my father, had suffered from atrocities by the Indians even before leaving Texas to serve in the cavalry at Fort Stanton, New Mexico, in 1863. When discharged from the army in 1865 he bought a ranch on the Hondo upon which there was a small adobe house and a grist mill. Not until 1867 did he feel it safe to move his family to New Mexico.

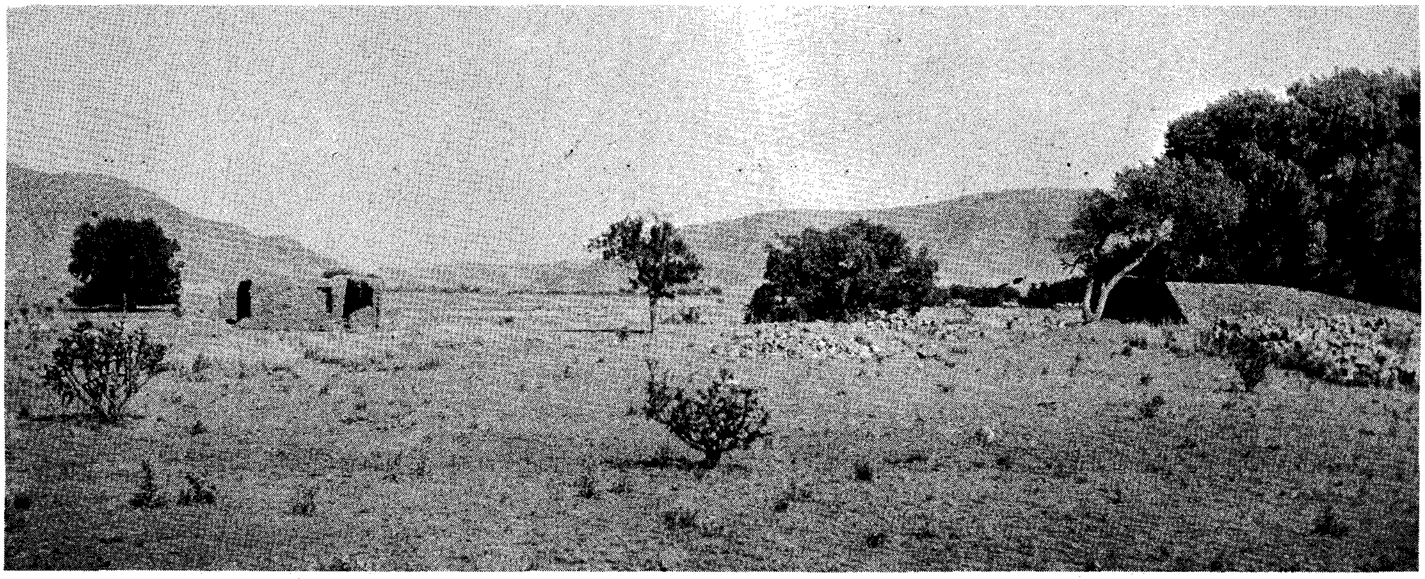
With two wagons drawn by oxen, and accompanied by a Mexican boy with whom he could not communicate by language, he made the trip back to Fort Mason, Texas near which he had left my mother and the children. He detoured to collect salt on the famous Flats so that he might sell it in Texas. Several weeks were required for the 800-mile trip.

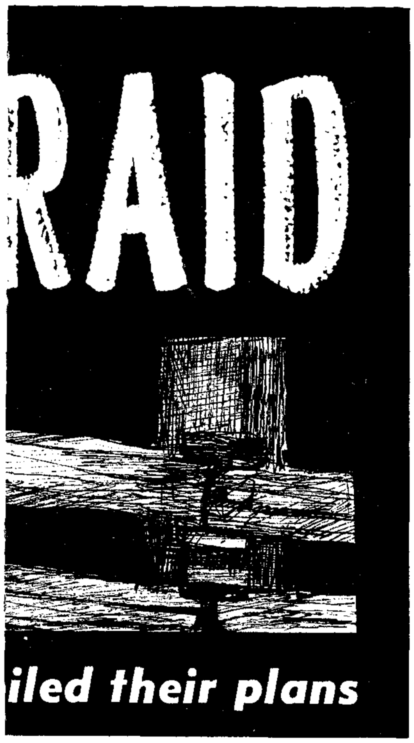
When my mother saw a tall bearded man walking beside his wagon she did not recognize her husband. Nor did the children have any idea that the stranger was their father.

Driving some milch cows and horses along with wagons and 1,800 cattle, the family made the long and dangerous trip back to the Hondo. Upon his arrival Father found that three yoke of work oxen and several horses left there had been stolen, presumably by Apaches from the Mescalero band whose reservation, the boundaries of which were not yet defined, was near. He knew that his cattle, and even more so his horses, would continue to be tempting to the Indians and he schooled his children to realize that

Remains of the Casey house on left, the old mill at far right.

Courtesy Eric Bruce





the high hills surrounding the ranch might at any time conceal Apaches.

Our house was on a mesa at the foot of the hills and upon it there was a lush stand of sacaton (grass) in which Indians could easily hide. We were warned that it was dangerous to get thirty yards from the house, and that if we saw Indians or sign that we were to run to the mill for refuge.

Father exercised great care in protecting his herd. During the day the animals were "close herded." At night they were put into a corral, built for protection. From the pine forest, thirty or more miles away, Father brought a quantity of large poles which were laid between the top layers of the adobe brick walls. They were fastened together with strong wooden pegs to prevent the Indians' sawing the walls by using a rope. The corral was very close to the house, and proved to be an effective means of defense.

NEVERTHELESS, the Mescaleros made trouble for us. The first of their raids was made in the fall of 1867. One night a band of Apaches under the leadership of Jose de La Paz, slipped up to the ranch and with butcher knives cut in two the pegs fastening the logs of a wide section of the corral, thus opening a gap through which they drove off about 125 of the cattle. They ran great risks on their raids. They stole a sorrel horse we called Fox Walker even though he was kept tied with a rope of plaited rawhide just behind the chicken house which stood even closer to the house than the corral. We wondered how the Apaches managed to get off with the cattle with us so close. Later we learned from an Indian boy we took into our family how it was done. He told us that the old chief, La Paz, was with the raiders and that he ordered this boy to watch the door of the house. La Paz and the others worked with great caution. After making the opening in the walls they made no effort to drive the cattle out, for that entailed noise. They just waited for the animals to come out of their own accord, which they did quietly.

The family knew nothing of the occurrence until early the next morning. Mother, as all pioneer women did, arose early and began preparations for getting the family up and cooking breakfast. Ordinarily she surveyed the premises as soon as she could see well to ascertain whether or not things had been disturbed during the night. On the morning following the raid she found that the cattle were missing from the corral. At first she did not think of Apaches but suspected that the cattle had broken down the gate and escaped. This had happened previously and the cattle had been found feeding on the grass.

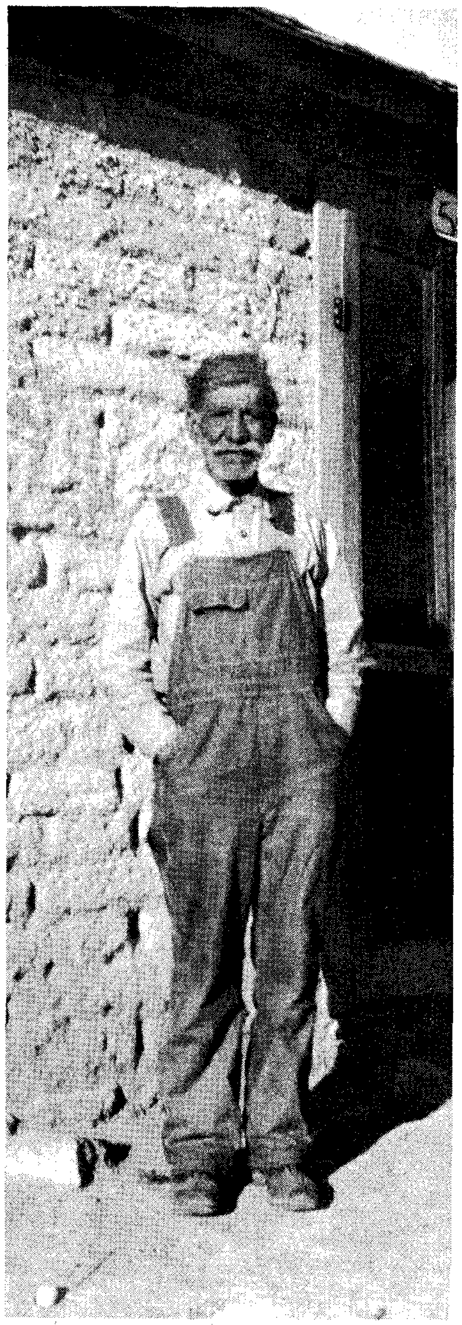
Upon investigation, however, Mother discovered that the pins had been severed and that moccasin tracks were outside the corral. She aroused the family. Father doubted that the Apaches had got the cattle until he, too, inspected the corral and surrounding soil. I remember his saying, "Well, thank God, they didn't get the other horses." Though I was not yet six years old I remember this occurrence very distinctly.

Fortunately, some of the men who worked for Father had taken the other horses for a hunt in the Capitan Mountains. Otherwise the Apaches would probably have stolen them, too. Being left a-foot was a tragedy in those days.

Father followed the trail along which the Indians had driven the cattle. His familiarity with the management and driving of a herd enabled him to see that they had been driven in a compact body. Had they been permitted to follow their own custom they would have been scattered over a wide area so they could graze as they moved. He saw many pony tracks, tracks of unshod horses, and all led about a mile to the spot where the Apaches had crossed the Hondo.

WHILE at the ford, two Americans, mounted, came by from Missouri Bottom (Plaza). Father told them what had occurred and they said they were not surprised for news had come to the Bottom that a band of Indians was in our area and were apt to make trouble. They had made the trip by night to avoid contact with the Apaches who were known to dislike either fighting or moving in the dark. Father asked that one or both of these men stay at his home as protection for his wife and children. One did so and the other rode with Father to Fort Stanton for assistance. The one who went to the house offered Father the use of his horse for the trip.

As Father and the other passed the scattered ranch houses, they stopped to warn the families in them. Father told them he was going to Fort Stanton for a detachment of soldiers to follow the Indians. Two of the settlers wished to accompany him but Father asked them to remain at their homes until he and the soldiers could return.



Timoteo Annaza was rescued from the Mescalero Apaches. He helped rear the Casey children.

Father told his story to Captain Chambers McKibben under whom he had served as sergeant at Fort Stanton. "Casey," said Captain McKibben, "you are entitled to all the aid the government can give you. I'll order a detachment of cavalry to get ready for the march as soon as possible; and I'll send in charge one of the best junior officers we have, Lieutenant Yeaton."

The troops were soon on the way. When they reached our house they stopped to organize the pursuit. Lieutenant Yeaton told Father he knew little of the terrain and asked if he would not act as guide for the troops. Father did not know the area to the south very well but felt that he might be better qualified than were any of the soldiers.

Taking the trail to the Hondo Father led the scouting party as rapidly as he could. Indications were that the Apaches had traveled as rapidly as they could move the cattle and that they were headed for the Guadalupes. Those mountains seemed to be their favorite retreat from pursuers.

The party found the butchered carcasses of the cattle that had given out under the fast pace set by the Indians. Father's prize cattle had been killed either by lance or arrows when unable to travel farther. The choice meat had been cut and the rest left. Father was very indignant over the barbarity of this procedure because if the exhausted cattle had been left he could have gathered and returned them to the ranch.

The pursuit took Father and the troops into a country both difficult to travel and very dangerous, owing to the many possibilities of ambush. Not only was it rough; it was almost devoid of water. The soldiers experienced great difficulty in getting over the ground because they were mounted on large cavalry horses, animals not adapted to rough, mountainous country. Father and the man from Missouri Plaza rode small, wiry horses, well adapted to the terrain.

The pace was, of necessity, adapted to the slow horses used in the army. Consequently on the first day the party got no farther than Rio Feliz, some twenty-five or thirty miles from our ranch. At the river they found indications that the Indians had stopped there about a day and had rested the animals where they could obtain water.

Next morning the pursuit was resumed with the party following a trail which seemed to lead directly to the Guadalupes. For three more days the cavalry followed and not once during that time did they find water. This was a new and forbidding experience to the soldiers, none of whom had previously undergone such an ordeal.

UPON the evening of the third day they came upon the camp of the Indians who had no fear of being pursued. The soldiers surprised the Apaches who were engaged in a feast and a jollification over their successful raid. They felt secure because never before had a scouting party been able to follow them to their stronghold. They really had not anticipated that they might be overtaken and had not used the precaution of guarding their camp.

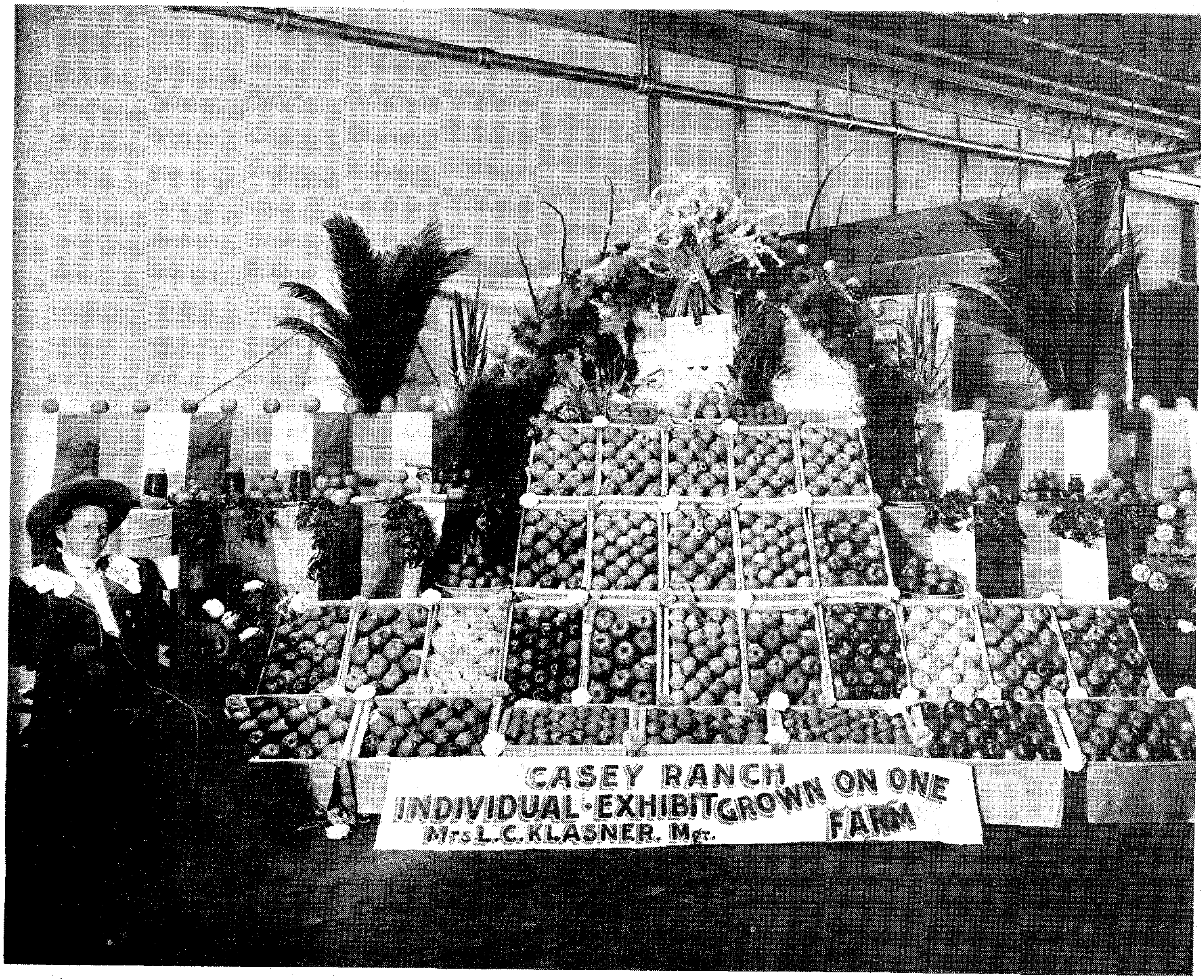
As the soldiers drew near, their horses, famished for water, scented it and they found it impossible to control their mounts. They took the bits in their teeth and dashed into the stream with their helpless riders. It is possible that the troops would have charged the camp had they been able to control their steeds. As the horses bolted for the stream the soldiers fired upon the Apaches and when the animals entered the stream the men remained in the saddles and continued shooting at the Indians.

In addition to their surprise the raiders were stupefied with *tiswin,* a drink the women make of fermented corn, and they offered little resistance. They merely rushed from their teepees and ran to whatever protections they could find.

When men and horses had drunk, the soldiers rode into the camp, knocked

(Continued on page 59)

Lilly Casey Klasner proudly displays produce grown on the Casey ranch at the Roswell fair, date unknown.



TRAILS GROWN DIM

Readers' letters for "Trails Grown Dim" are printed as soon as space permits, so please be patient! If possible, please type your query; or if handwritten, print or write clearly, especially names, dates, and places—and most of all, please be brief. In accord with the content of our magazines and purpose of this service since its beginning, preference is given writers whose trails have grown dim out West: lost ancestors and relatives who were sheriffs, pioneers, Forty-niners, muleskinners, cowboys, Indians and Indian fighters, and so on. We can't run current "missing persons" notices or lengthy genealogical requests, but we do attempt to print all letters as soon as we can. Any reader having information concerning persons referred to below is asked to communicate directly with the letter writer; please do not write to us.

Birtrong-Taylor

I am looking for information on my grandfather, Tom Birtrong. I know very little about him except that he ranched in the Sonora, Texas area before the turn of the century, and all of his children were born there. He married Sarah Taylor, date unknown, and moved west to New Mexico about 1898 settling first in Deming, New Mexico, then later in the Animas Valley that lies somewhat south of present-day Lordsburg, New Mexico. Granddad once said that his folks came from Louisiana and that his father fought through the Civil War, but on which side I do not know.

I would appreciate any information on Granddad's family.—Ralph E. O'Neil, 1118 Branson Ave., Las Cruces, New Mexico 88001

Hanley-Bryant

I am trying to find some of my father's family. Zeffie James Hanley was born around Charleston or Peoria, Illinois about 1880. He was a son of Val and Sarah Neese Hanley. My grandparents separated and my grandmother later married a man named George Bryant. They had a daughter whom my father called Dolly. A cousin called her May. She may have moved to Indiana. The family is believed to have still been in Indiana about 1890-1900.

I am trying to build a family tree with little to go on as I have no known living family. If anyone can help, I would be glad to reimburse postage.—Mrs. Florence Hanley Morgan, Route 5, Box 10, Weatherford, Texas 76086

Vaughan

George Washington Vaughan was born about 1814 in Cabell County, West Virginia, to Thomas and Nancy Ford Vaughan. His brothers and sisters were John who married Lydia Crabtree; Elizabeth who married John Smith; Martha, who married Rev. Jacob Gooden Lycan. These were born in Virginia or Kentucky, the rest in West Virginia. They were Nancy, who married Abraham Ferguson; Lucinda who married William Ferguson and went to California; William Tyler who married Phoebe Hazlett, and went to Oregon in 1845-47; James, who married Susanna Wilson; George Washington, who is supposed to have gone to Arkansas; Thomas, who married Menerva Walker; Abraham, who married Sarah Prichard; Phoebe, who married William Workman.

If anyone knows any of their descendants, please write me.—Mrs. Cordelia Vaughan, Rt. 2, Box 275, Vale, Oregon 97918

Ura Dell Freed

I am trying to locate my grandmother, Ura Dell Freed, or someone who may have known her. If alive, she would be ninety-six years old now.

Her father was David William Craddock, born March 2, 1844, Priceville, Hardin County, Kentucky. Her mother, Laura Jane Carly, was born September 13, 1848 at Millerstown, Grayson County, Kentucky. Their children were Oliver, John William, Foster Field, Ura Dell, Hiram Wesley, Alonzo Shields, Mary Elizabeth, Nettie Ann, born between 1868 and 1883.

Ura Dell married Eli Wilbur (who was born September 29, 1871 at New Stark, Hancock County, Kansas) at Savonburg, Allen County, Kansas on March 1, 1893. Eli's parents were Daniel Freed and Pleasant Abiatha Huff. Their children were Virgil Raymond, Clarance E., Clara D., Hattie Opal and Essie Lorene.

Clarance E. had three children, Elsie Lee, Clarance Edwin, and Norman Howard.

The last time anyone saw Ura Dell was in 1920 when she left Pocasset, Oklahoma and was never heard from since. Any knowledge of her will be greatly appreciated by her granddaughter.—Elsie Lee Petrov, Box 302, Cache Creek, B. C., Canada

Humbert-Tracy-Phontoon

My father, Rohdon (Don) Humbert, would be in his late sixties or seventies now. He came from Canada to Colorado and Wyoming where he worked. He and my mother were married in Denver in 1927. She went back home to Arkansas in 1928 so that her doctor could deliver me. She never did hear from my father again. He was French-Canadian. Many years have now gone by, and hardly one has passed since I was old enough to have any thoughts that I haven't wondered about him. All I have is their marriage license and a picture of him. I have tried to find him but do not know his parents' names as they died when he was a young boy, and he was raised in an orphan's home in Canada.

Orval Tracy was my grandfather. He had two brothers—Green was one of them—who left home at an early age. No one ever knew what happened to them, although word was that one had become a preacher. They came from Missouri, Oklahoma and Arkansas.

Orval married Alice Maybell Brasher. The Tracys were part Indian. They had an Indian name way back but an ancestor took the name of Tracy from a white man, I was told. They are said to have owned land in Oklahoma that was bought by the government.

Flower Phontoon was one of my great-grandmothers. She lived in Arkansas, Oklahoma and/or Missouri about 1907. I'd like to hear from anyone with any information about her, and also anything about the Limestone Company that was in Horse Creek, Wyoming in 1927-28. My father, Don Humbert, was a cook for them.—Cathern (Kathryn) Humbert, P. O. Box 391, Rosenberg, Texas 77471

Thorp-Snow

Samuel Joseph Snow was born February 17, 1821 at Indianapolis, Indiana. In 1845 he married Jennie (Jane?) Thorp. Sometime during the year of 1858 or 1859, the family left Indiana for the West. Nothing is actually known of the trip except that they arrived in Butler or Butler County, Missouri, where my father Samuel Asbury Snow was born on December 13, 1860.

No one knows how long they stayed in that vicinity. I heard that they had to leave abruptly because of an Indian uprising. This was the beginning of the Civil War and that may have influenced them.

My father, Asbury Snow, was the youngest child. He was raised in Osage County, Kansas, around Quenemo and Melvern. There were eight children in all.

Jennie Thorp may have been born in Kentucky. She had a brother but I never heard his name. The story is that their parents died and a family by the name of Johnson took them in—whether in Kentucky or Indiana, I don't know.

My grandfather had a brother in Indianapolis. He went back there in 1897 or 1898 and was successful in locating him, but I don't know his name.

I wonder if there are descendents of the Snow and Thorp families who might know something more about my grandparents. Also, does anyone know of Mahalia Snow, my father's sister, who ran away and married Albert Katz? I have a letter written from Denver, Colorado, October 4, 1883. She had just had a baby boy on September 3, 1893. He had not been named. Nothing more was heard from her. My father heard, indirectly, sometime in the early 1900s that she had died. We would like to know where she is buried, or anything about her.—Pearl Snow Galley, 215 Cheyenne - #9, Golden, Colorado 80401

Michael-Bruce

I would like to hear from anyone having any information about Edward Charles Michael and wife, Martha Ellen Bruce Michael, of Missouri. My father, Charles Edward Michael, was born in Unionville, Missouri, 1874. All were painters. They were somehow related to the Goddard, Womack, Shoemaker and Crumpacker families. They moved to Kansas about 1890 and lived in Wichita and Anthony, Kansas.—Millard C. Michael, Gen. Delivery, V. A. Branch Post Office, Los Angeles, Calif. 90073.

THE BISHOP'S DEFEAT AT LIBERTY LAKE

By JAY J. KALEZ
Photos Courtesy Author

Bishop Schinner

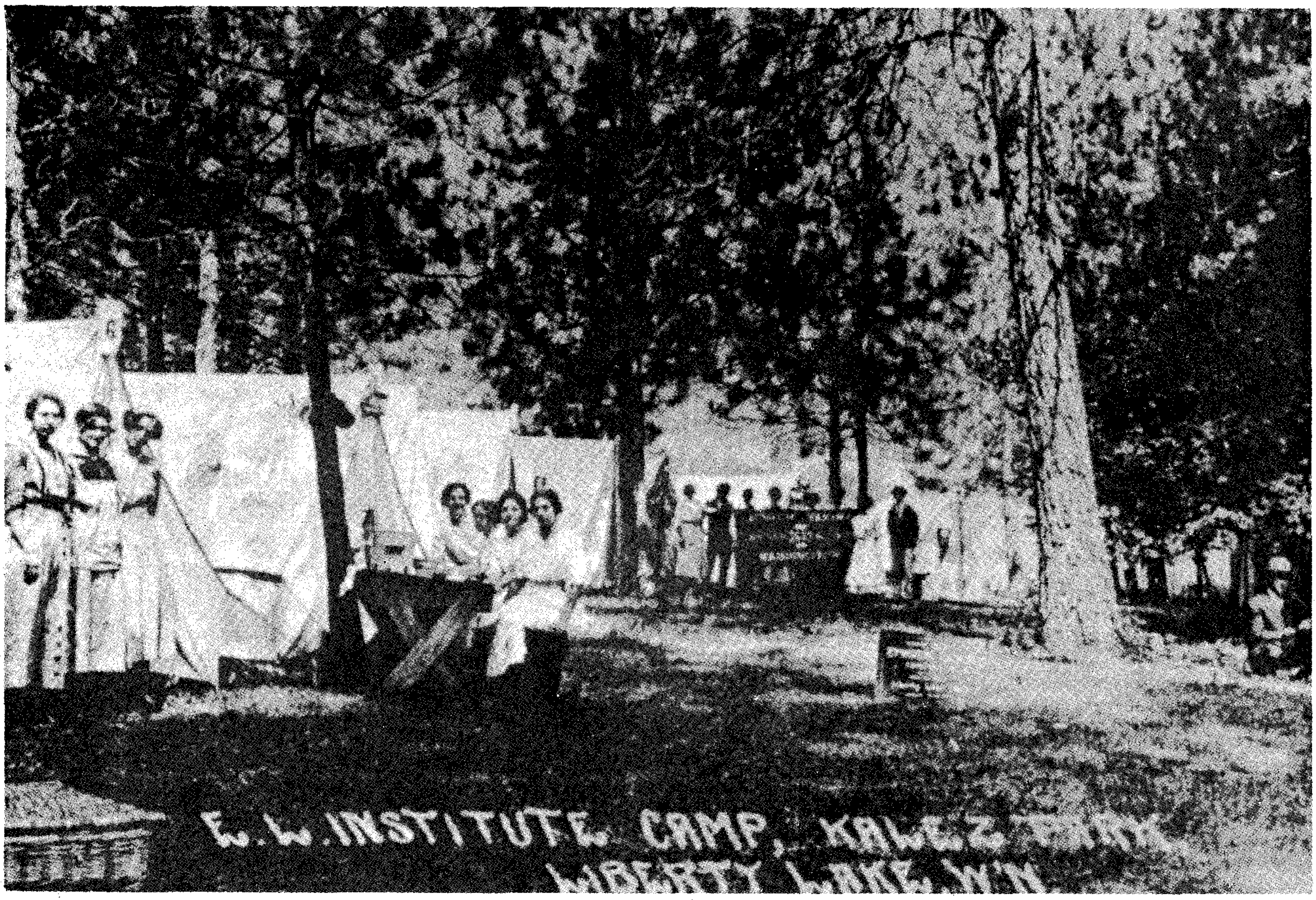
Schinner's "noble experiment" came a little early; the cassocks of his monks made a strange silhouette on western rangeland . . .

Author's Note: Back in the late twenties I was writing western stories for the New York market when I received a request from an editor to do a historical biography on Wyatt Earp, the famed marshal of Abilene, Dodge City and Tombstone. I wrote the editor that while I had ample notes and anecdotes on Marshal Earp to do the assignment, the material was impossible of documentation in that the information was mostly barroom and bunkhouse gossip that I had picked up over the years from old-time cowhands and cattlemen who claimed in their day to have known Earp personally. The reply from my editor was brief and to the point. "Write it as you heard it," he instructed. So I did. The article was accepted for what it truly was—repeated hearsay.

A short while back, when Ellen Ewing of the *Catholic Inland Register* editorial staff called me and asked me to do an article on the late Bishop Schinner's ill-fated attempt to establish a boys' ranch and a home for retired priests at our old Liberty Lake, Washington, property, I instantly grasped at the "out" the New York editor had once extended me. I know from past research efforts that official and documented evidence of dates and names of persons pertinent to the assignment were impossible. The only way I could do the article would be to "write it as I heard it."

I was still in the Navy after the World War I Armistice when I received a letter from my father telling me he was selling the park property and lake front section of our Liberty Lake ranch to Bishop Schinner of the Spokane Catholic Diocese. My father's letter was written in a sort of apologetic mood, betraying his regret at selling the ranch and his understanding and appreciation of the love my younger brother and I had for the place. We both had grown up there, both had worked hard at ranch hand tasks, and both felt the surrounding Liberty Lake hills were a part of our true heritage.

When I went into the Navy in 1917, I took my own personally owned saddle pony back in the hills to a deep draw in the Mica Ridge known as the "Big Saddle" and turned him loose. There were few fences east of Liberty Lake and the hills below Mica were all part of the


E.W. INSTITUTE CAMP, KALEZ PARK
LIBERTY LAKE, WN

Courtesy Inland Register

A camp-out back in 1908 at Liberty Lake's Kalez Park, part of the holdings bought by Bishop Schinner for his boys' ranch and home for retired priests. This was a popular spot for the youngsters in the early 1900s.

grazing land over which our cattle ranged. I left word at the ranch that my pony "Buck" was to be allowed to run free until I got back home. Part of Dad's letter was slanted toward asking me what he should do about my pony. The remainder gave me the details of the sale of the ranch and what was going to happen to the old place.

It had been almost impossible to keep ranch hands during the war, Dad went on to explain in his letter, and the ranch and stock had been pretty much neglected. The forty-acre pine and cottonwood grove known as Kalez Park, where some thirty tent cottages were scattered, was to be part of the sale, totaling some 480 acres. Of this, 150 acres were level meadowland which yielded a yearly boomer crop of the finest timothy grown in the Spokane Valley. The rest of the three-quarter section included our ranch house and corral area, some orchard acreage and some pasture land. Our adjoining two sections of timber and pasture land east of the lake, known as the "School Sections," were not included.

The sale also took in several hundred head of cattle, a dozen or so work horses, several brood mares and all corrals, barns, sheds and out-buildings. The price as I recall was $35,000 cash, plus a deed to the Bishop's personal diocese home on the corner of 21st and Grand Boulevard in Spokane, appraised at $15,000.

Bishop Schinner's plan for the property was an imposing one. From Europe he intended securing a number of monks from a Catholic order whose church vows restricted its members to a life of farm work. These monks would operate the ranch part of the property. To begin with, the park part of the property, with its tent cottages, would be used as a summer home for retired and elderly priests. These priests would serve as teachers and instructors to an assembly of young boys and male teen-agers without families or under juvenile jurisdiction.

The author back in the 1920s with his two collies, Jumbo and Muggins.

The Bishop had already received several generous cash grants from various Spokane business establishments approving and offering their financial support. A permanent building plan was being drawn up and sufficient solicited construction funds seemed assured.

IN the fall of 1920 I got out of the service and returned to Spokane. One of the first things I did was to go to Liberty Lake and try to learn if Buck was still roaming the Mica Ridge range. I contacted my old boyhood friend, Allen McKenzie, whose Liberty Lake property at McKenzie Bay adjoined ours.

Allen and I took our rifles and started up to the hills to see if we might accidentally run into a deer in our search for my saddle pony.

As we passed through the grounds of our ranch yard on our way to the Mica Peak trail, we met several sober-faced, brown-cassocked monks who eyed us cordially but silently. Each wore a loose fitting robe with wide open yoke collar, but no hat or cap. Each had a small circular bald spot on the top of his head. A

(Continued on page 69)

A TYPICAL COMPANY TOWN

◆

HOBART MILLS, CALIFORNIA

By BRUCE D. GIFFEN

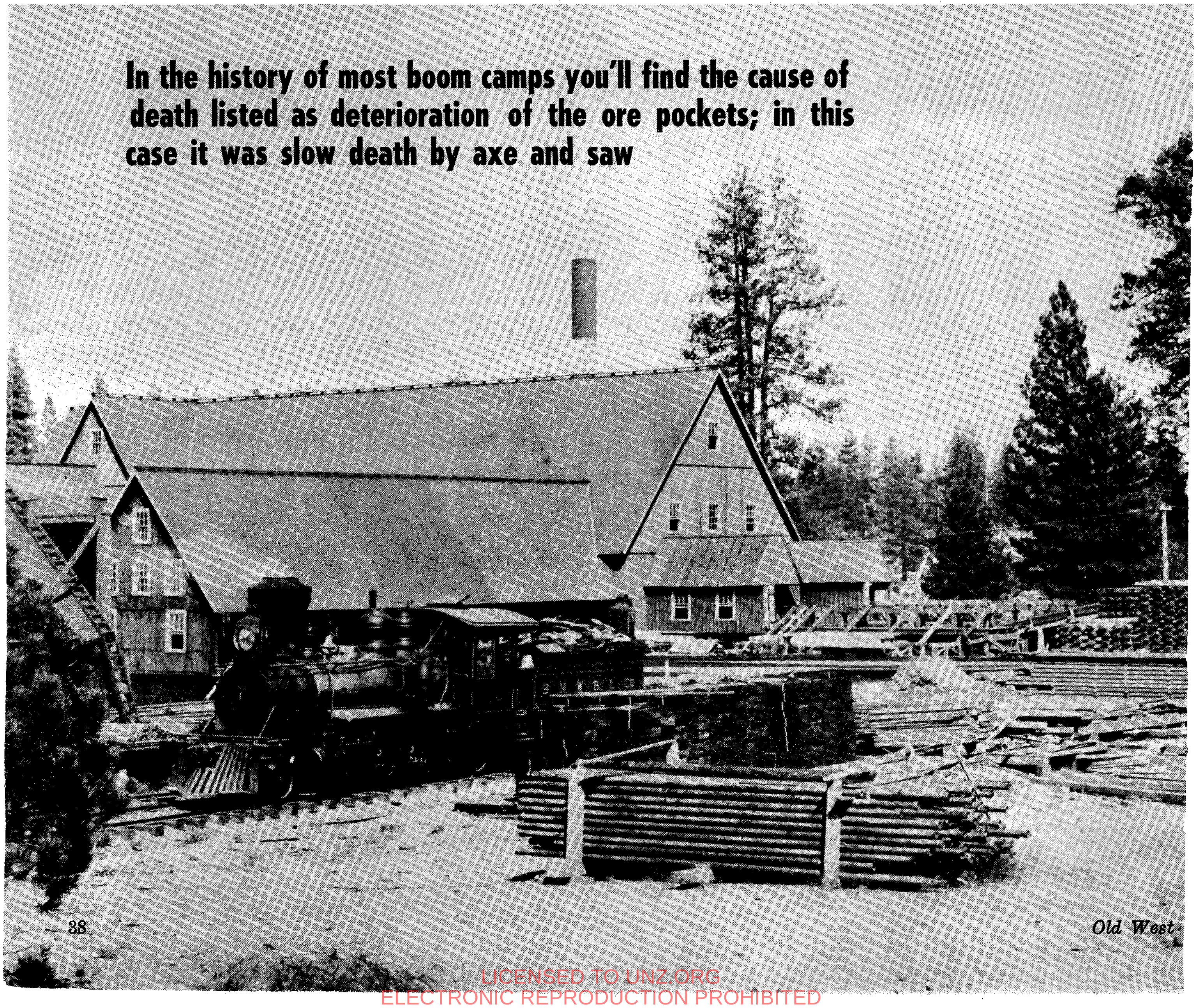
Photos Courtesy Author

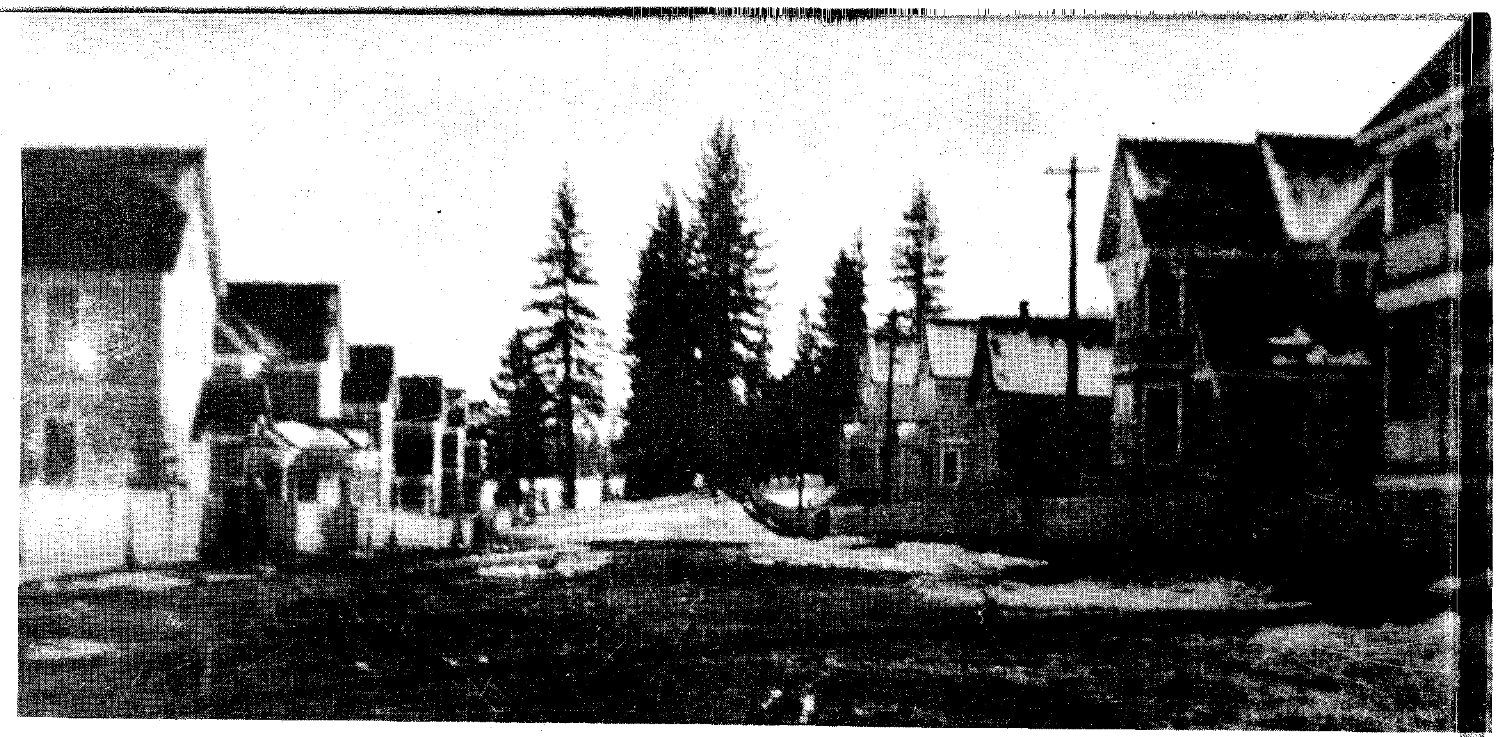
WHILE TRAVELING through the historic Sierra Nevada Mountains of California one can't help running across old settlements dating back to the early days of California's history. Many have been written and talked about extensively, but what of those that are just as old and whose history is just as exciting, but are virtually unknown? Such a town is Hobart Mills.

Leaving Truckee on State Highway 89, going northward toward Sierra City, it is but a few miles to Hobart Mills. It has lain almost completely forgotten for a decade or more. Hobart's past was busy and productive, its present is dormant, but its future is promising.

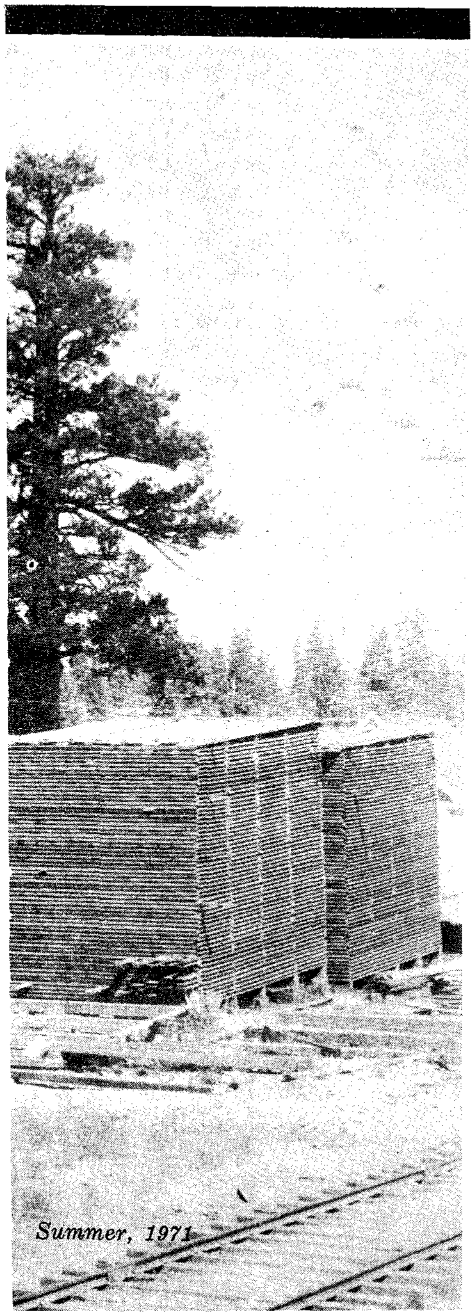
It was near this quaint little town that General Stephen W. Kearney and his men buried George Donner in June 1847. His grave—George Donner was one

In the history of most boom camps you'll find the cause of death listed as deterioration of the ore pockets; in this case it was slow death by axe and saw





Above, Hobart Mills' main street after the first snows of winter, 1904. At left, the Sierra Nevada Wood & Lumber Company in Hobart Mills also around 1904.



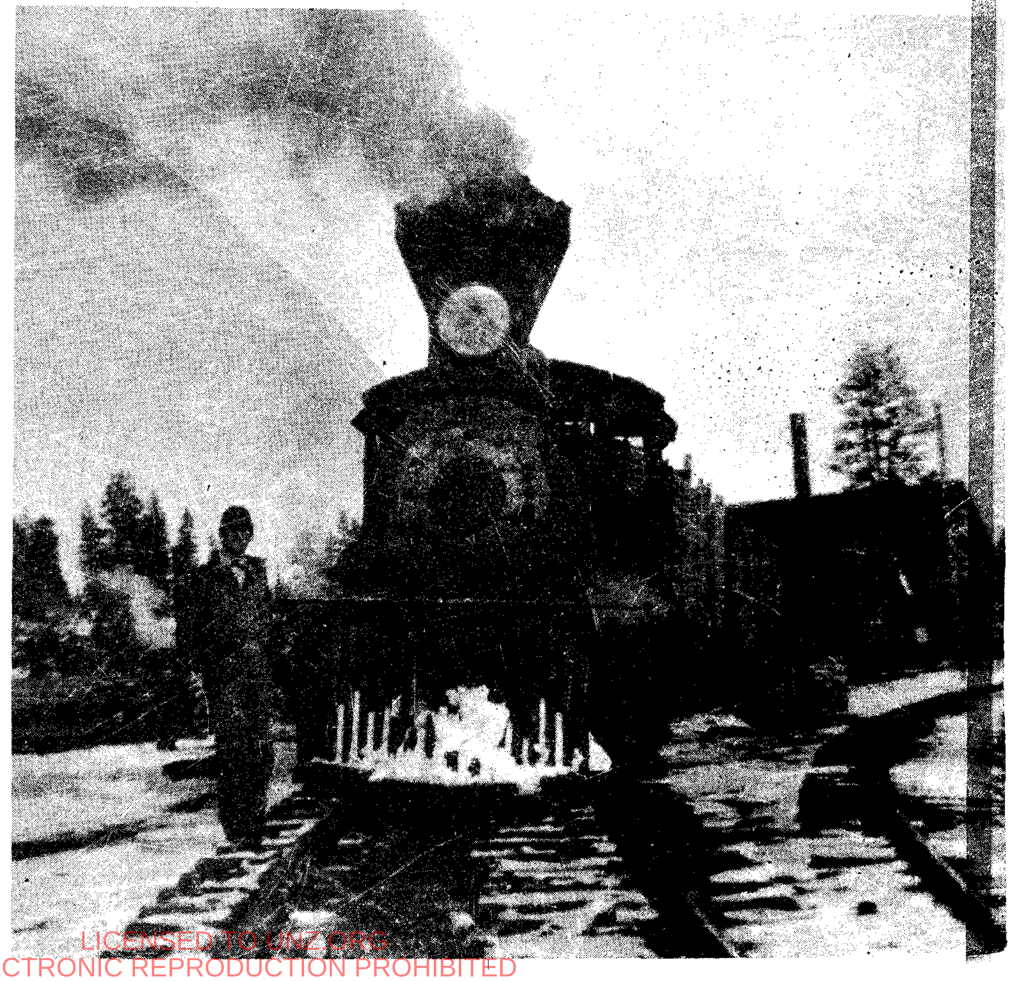
of the leading figures of the tragic Donner Party—lies at the junction of Alder and Prosser Creeks.

Hobart Mills had its beginning in 1896, with the construction of a lumber mill, a box factory, a planing mill, a sash and door factory and a lumber yard owned and operated by the Sierra Nevada Wood Lumber Company. At first the village was named Overton, after the lumber company's first general manager, Captain John B. Overton. It was not called Hobart Mills until around 1900. The change was made to honor Walter Scott Hobart who owned the area immediately surrounding the village and the Sierra Nevada Wood and Lumber Company itself.

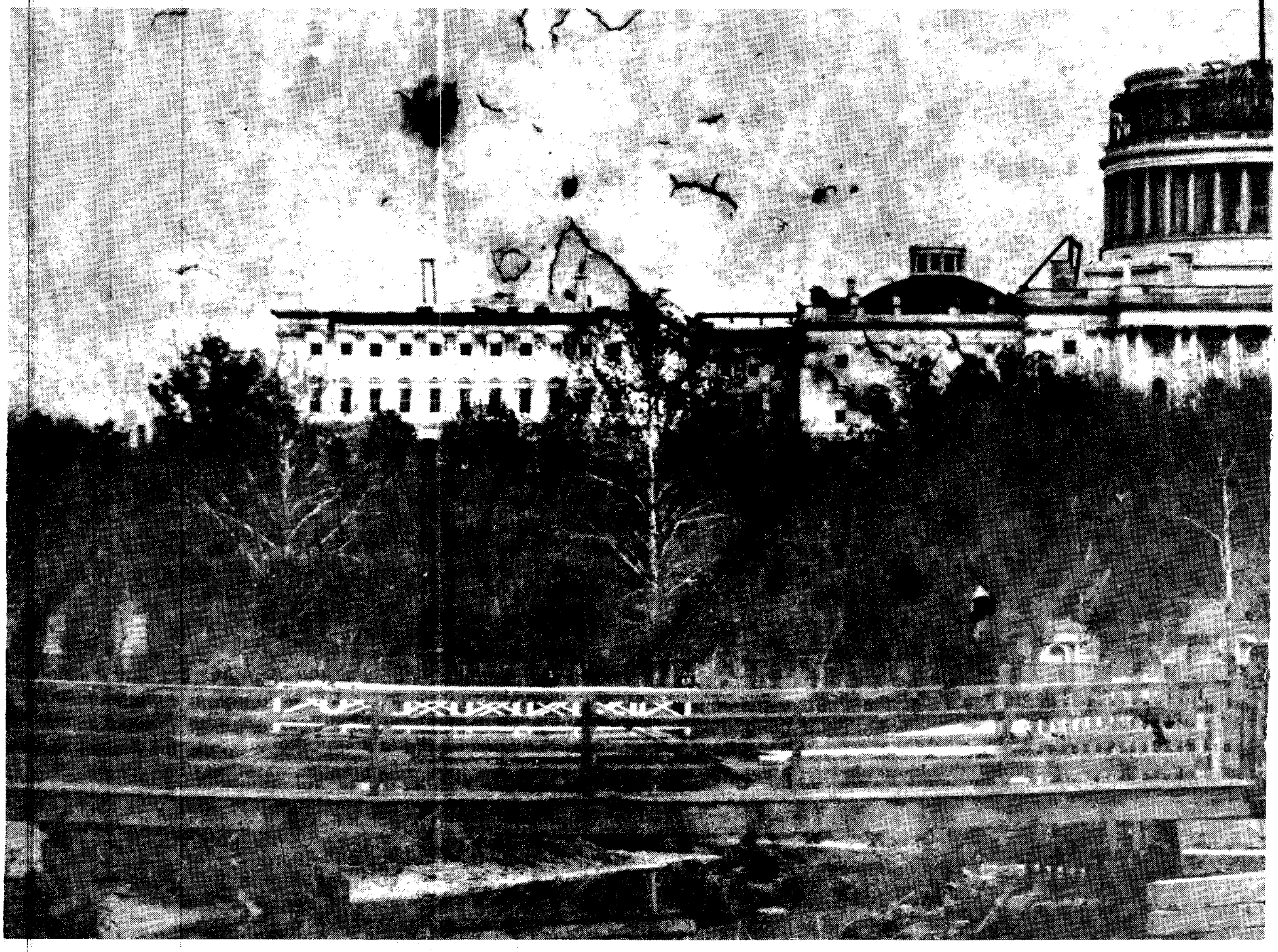
Walter Scott Hobart was a giant of a man. He was personally responsible for much of the early activity and devel-

(Continued on page 72)

Below, a locomotive puffs its way from the lumber company to Truckee, seven miles away.



MAKE-DO DAYS at



Was there ever a time when supplicants more dollars? And getting less than they asked?

Taken from MESSAGES AND DOCUMENTS 1857-8; Part I

I AM REQUIRED by the fifteenth section of the civil and diplomatic act approved August 4, 1854, to report to you annually the operations of this office, and the manner of applying the appropriations to be disbursed under its direction in time to accompany the President's message to Congress, and I now respectfully proceed to discharge this duty.

In addition to the usual annual repairs of the Capitol, I have been obliged to repair the heavy damage it sustained from the great hailstorm that occurred on the 21st of June. Every skylight in the building was broken, not only the exterior, but the costly interior glass, and the copper roof was materially injured. The roof also unavoidably suffers much damage from the work going on in rebuilding the dome, but by carefully watching it and making repairs as soon as needed, I think it can be preserved from leaking.

I have also caused such portions of the wood and iron work about the Capitol as was likely to be injured from exposure to the weather to be repainted. The chandeliers in the Senate Chamber and Hall of Representatives, which had become much defaced and out of order from long use, have been thoroughly repaired and renovated, and all the gas fittings throughout the building are now in good condition. The annoyance occasioned by the frost in the winter and spring of 1856, in frequently preventing half the lamps from burning, induced me to send an agent last fall to the northern cities to inquire into the manner of lighting and the means of preventing the troubles which were the source of so much complaint in this city. His inquiries resulted in the ascertainment of much interesting and useful information in regard to the whole subject of gas lighting. He was enabled to apply an effectual remedy to the evils of which we complained, and ever since there has been no interruption to the lights from the effects of frost.

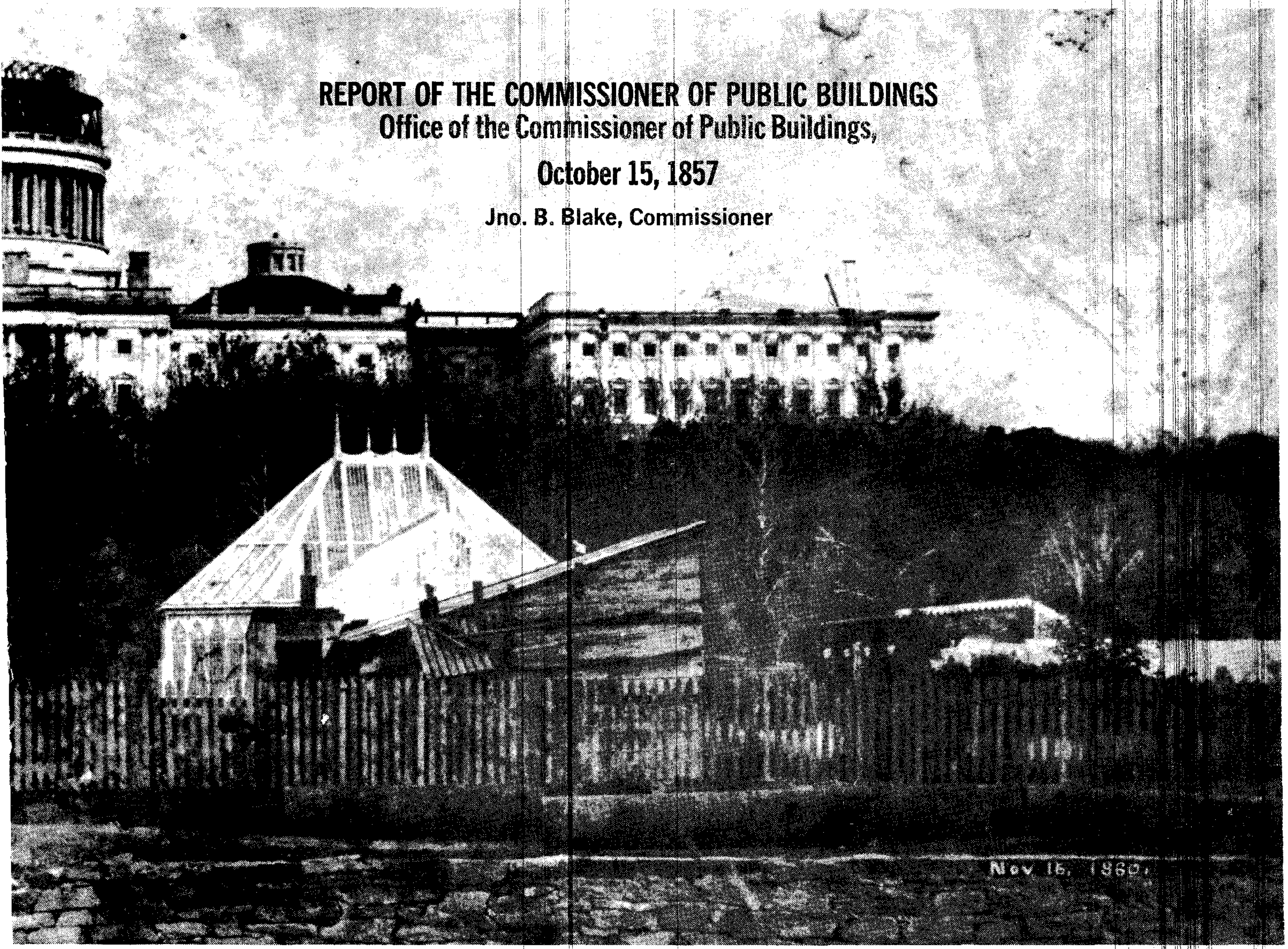
The roof of the President's house also

the WHITE HOUSE

REPORT OF THE COMMISSIONER OF PUBLIC BUILDINGS
Office of the Commissioner of Public Buildings,

October 15, 1857

Jno. B. Blake, Commissioner



The Capitol dome under construction in 1860.

National Archives Photo

were not entreating Congress for a few
But that old Potomac—it just keeps rolling along!

suffered much damage from the hailstorm. The copper was perforated in many places, and the joints generally loosened. The consequence was, the roof had to be overhauled, thoroughly repaired, and painted. This involved a considerable expenditure, which was not taken into account in preparing my estimate for the usual annual repairs of the house and grounds.

The greenhouses in the President's garden were likewise very much damaged by the hail: more than five thousand panes of glass were destroyed.

The ceiling of the east room and the wood work of the principal stories have been appropriately painted. Many other improvements have been made in and about the building, which were absolutely necessary. A ventilating flue was built from the basement to the upper story, which has evidently produced a great improvement in the atmosphere of the house, which before was pent up and damp whenever the windows were closed for a few hours.

THE NEW stable for the President's house has been erected, and is ready for use. A conservatory has been built on the west terrace, and is so near completion that in a few days the plants may be transferred to it. The President's house, as is well known, is in a very unhealthy location. Its inmates are subject to intermittent fever, which of late years has proved obstinate and difficult of cure. The knowledge of this fact has frequently elicited the suggestion that a country residence, convenient to the city, ought to be provided for the President, where he could take up his abode during the sickly months of summer and fall.

The frequent and heavy rains with which the city has been visited during the past summer operated very much to retard work of every description. There were often days together when nothing could be done, either from the constant fall of rain or from its effect upon materials which rendered them unfit to be worked. The out-door works, such as grading streets and public grounds, were very much damaged by the rains, which added

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considerably to their cost. Since the weather has become more settled, the various works in progress have been urged forward with the utmost speed.

The following works, which were started in my last report to be then in progress, have been finished, viz: the repairs, improvements and extension of the seed-room and greenhouse in the botanic garden; the grading and improvement of the mall between Twelfth and Fourteenth Streets; the trapping of the mouths of the sewers on Pennsylvania Avenue; the extension of the culvert on Indiana Avenue, and the alteration of the District court-room.

In regard to the sewer traps, it affords me pleasure to inform you that they answer the purpose admirably for which they were intended. Before they were constructed, the offensive odor that arose from the sewers was a constant source of complaint, but now not the slightest unpleasant smell escapes from them. The traps ought to be frequently cleaned out, and especially as there is no ordinance of the city to prevent the litter of the stores, such as paper, straw, and the like, from being swept into the gutters, which is soon floated by the slightest stream of water into the cylinders of the traps, and collecting and becoming impacted prevents the water from flowing freely through them. A very small appropriation would keep them unobstructed.

A lot was purchased last fall on which to erect an engine house for the Franklin Fire Company, but possession could not be obtained until the spring. A large, commodious and substantial building has been reared upon it, which in a few days will be turned over to the company.

NEW JERSEY AVENUE has been graded and gravelled from D to I Streets, and the curb set and the gutter paved on the west side of it. From I Street to New York Avenue it has been graded and fifty feet in the centre gravelled. It will be necessary to curb and gutter the whole length of the avenue on both sides to prevent its being washed by the rains. This was not included in the estimate submitted to Congress. More than was contemplated has been accomplished by the appropriation.

The work for continuing the improvement of the mall is now progressing rapidly in that portion of it on which the armory is situated. I am in hopes of having the grading finished by the termination of the working season. The plan that has been adopted harmonizes with the object for which the armory was erected, and will doubtless add very much to the appearance of the mall.

The footway on the south side of Lafayette Square has been taken up, underdrained, and relaid. Lamp-posts and lamps have been set upon the three sides of the square to great advantage. As an evidence of the favor in which Lafayette Square is held by the public, it is only necessary to direct attention to the crowds that visit it on every fair evening.

All the footways across Pennsylvania Avenue, which were very much broken and in many of them whole pieces of the flagging removed, have been repaired. Workmen have been for some time and are still engaged in repairing the carriage-way. It is difficult to keep the avenue in good condition, as the cobble stones of which it is paved are easily started from their beds by the momentum of the heavy vehicles that run over them.

Congress at the last session made an appropriation of five thousand dollars for repaving Pennsylvania Avenue at the intersection of Seventh Street, on the plan known as "Belgian pavement," and one thousand square yards of the avenue have been paved with that description of pavement at an expense of five dollars per yard. It was intended as an experiment. The part of the avenue selected subjected the experiment to the severest test, as it is more traveled over by heavy vehicles than any other portion of the avenue or any other street. The pavement was laid in June, and up to the present time it remains firm and compact, and I have not the slightest doubt of its durability.

It is claimed for the Belgian pavement that it is as durable as any other and possesses great advantages over all others. The Russ pavement in New York is said to have proved a failure; it soon wears smooth and becomes so slippery that horses in travelling upon it frequently fall, and in wet weather they can scarcely be kept on their feet. The Russ pavement is laid upon a concrete bottom which prevents any drainage except such as is conveyed off by the gutters, and the consequence is, the evaporation from the surface frequently occasions a very offensive effluvia. Another great objection to the Russ pavement is the difficulty of removing it, when necessary to open it for laying pipe or other purposes, and the still greater difficulty of replacing it in anything like the condition in which it was before disturbed.

Iron pavements are represented to be very injurious to the feet of horses. They are dusty in dry weather and dirty in wet weather owing to the space between the prongs being filled with earth. I understand it is necessary to file them frequently.

None of the objections that exist against the Russ and iron pavements can be urged against the Belgian pavement. The rock of which it is constructed is broken in size adapted to the feet of horses, which affords them a firm foothold without injury, and does not wear smooth. It is laid in sand, can easily be removed and readjusted when necessary to open the street, is thoroughly drained, free from everything offensive, and perfectly clean. I believe it is much cheaper than either the Russ or iron pavements. If it should be determined to repave Pennsylvania Avenue, I do not think as good a pavement could be selected for the purpose as the Belgian.

THE flagging of the main entrance to the Congressional burying ground has been finished as far as the government vault. The estimate was made for flagging the whole avenue, but by some inadvertence in wording the appropriation it was made to stop at the vault. Doubtless Congress will rectify the mistake by authorizing the balance of the appropriation to be applied in extending the flagging the whole length of the avenue, as was originally intended.

The appropriation of erecting a bridge across the canal in a line with Maine Avenue has not been used, as the language of the appropriation requires a double track to be made, which would seem to indicate that it was intended to be a bridge for the accommodation of carriages and other vehicles. The canal forms the eastern terminus of Maine Avenue, and as Canal Street is only forty feet wide, a sufficient elevation could not be given to the bridge to allow of the passage of boats under, and of vehicles over it. The appropriation might be usefully applied to the erection of a foot bridge, and I incline strongly to the opinion that Congress intended it for that purpose, as the slightest examination of the location will render it obvious that no other description of bridge is practicable.

The injury sustained by the Potomac bridge from the tremendous and unusual flood of ice at the breaking up of the last winter was well nigh putting an end to that means of communication between the two shores. Several sections were swept away entirely, and most of what was left was so much damaged that it was a matter of surprise the whole had not been carried off. The interruption of this medium of intercourse between the District and Virginia shores was immediately felt in the markets of the city by a diminution of supplies and an enhancement of prices. The difficulty and expense of reaching the city through other channels of communication not only deprived the producers, who have to cross the river, of the benefit of the increased price of products, but actually reduced the profits on the products of their labor so low as scarcely to make it an object for them to come to market.

This state of things was regarded by the citizens of Washington and Alexandria County as a great grievance, and they earnestly appealed to you to remedy it by directing me to use such means as might be applicable to the object for the immediate re-establishment of travel across the bridge. In view of the action of Congress at the last session, which was fully apprised of the condition of the bridge and failed to make an appropriation for the reconstruction of the portion that had been carried away, and of the doubt that was entertained as to the sufficiency of the usual appropriation for casual repairs to place it in anything like a safe and permanent traveling condition, you decided that it would not be advisable for me to attempt to repair it in its then condition.

The corporation of Washington, finding that the government would not undertake to repair the bridge, made an appropriation to reconstruct it, at least so far as to re-establish communication between the shores, to be expended under the direction of the mayor and a committee of one member from each board of the city councils. The breaches in the bridge were accordingly closed, and other portions of the structure strengthened so as to allow of the usual travel over it. I did not con-

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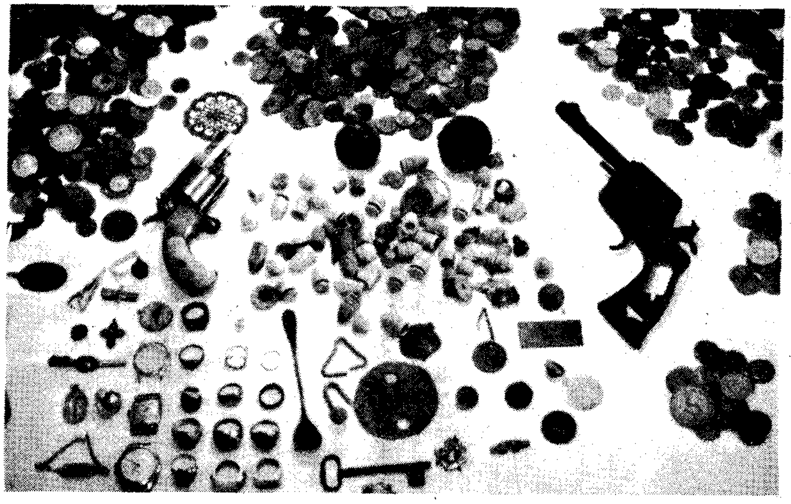

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sider it my duty to interpose any obstacle to the accomplishment of the object the corporation had in view, and therefore made no attempt to arrest the work; but as soon as the bridge was thrown open to public travel and I was notified by the mayor that he had withdrawn his workmen, it then became necessary for me to resume charge of it, and to make such additional repairs as were deemed important to render it perfectly safe.

Congress at the last session refused to make the usual appropriation for paying the draw-keepers of the bridge, which imposed upon me the necessity of assuming the responsibility of employing them, as otherwise the navigation of the river above the bridge would have been closed to vessels destined for the port of Georgetown and that portion of the canal that passes through the city. The great inconvenience and loss which the public suffered from the interruption of travel over the bridge demonstrates the importance of keeping up the present structure until a new bridge shall have been erected.

THE Navy Yard bridge was also very much injured by ice, which has been repaired in as substantial a manner as it would admit of, having been originally built of bad materials and in a very slight manner. The bridge requires new piles from one end to the other, as there is scarcely a sound one in the whole fabric. There are two short roads connected with this bridge, which were made by the company from which the government purchased it, and they were a part of the appurtenances of the bridge. For several years after the purchase they were kept in repair by the Commissioner of Public Buildings, and the expense was paid out of the appropriation for the repairs of bridges. It was, however, a few years since decided that no part of the appropriation could be applied for that purpose, and that it must be confined to objects within the plain meaning of its language. The levy court of the county declined exercising jurisdiction over the roads, as they belong to the government, and the consequence has been they are now in such bad condition that it is with the utmost difficulty they can be travelled. It is due to the public who travel across the bridge that these roads should be repaired by some authority or other. My own opinion is that they should be placed under the control of the levy court, which has jurisdiction over all the other highways of the county. It would not be just, though, to saddle the county with them in their present condition, and I would therefore respectfully recommend that an appropriation be made sufficient to put them in first rate order, which shall be paid to the levy court on condition that the court agree to take charge of them and forever keep them in repair.

The Anacostia bridge is in good condition. The usual annual repairs will, without an accident, preserve it sound for many years.

Eighty-one lamps have been set up in Georgetown, and are now regularly lighted with the other lamps of the town. They give great satisfaction, and are duly appreciated as an evidence of the kind interest which the government takes in the town. The appropriation was not sufficiently large to allow as many lamps being put up as would fully light the streets. Thirty lamps more would accomplish that object, which will cost eight hundred and ten dollars, all complete. It is no fault of mine that the appropriation was not large enough, as I was not called upon for an estimate. The information was derived from other sources, usually very reliable, but in this instance incorrect. I carefully regarded in my expenditures the restriction of the proviso to the clause making the appropriation. The lamp-posts and lamps cost considerably less than those on Pennsylvania Avenue, and I pay the same price for the gas consumed by them.

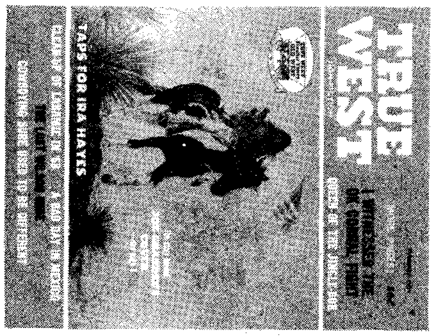
The west wing of the Patent Office building, with the exception of the saloon which will soon be finished, has been completed, and is now occupied. The portico has also been erected. It affords me pleasure to assure you that the whole work of this wing has been constructed in the most substantial and satisfactory manner, and that great credit is due to Mr. Clark, the architect, for the intelligent and vigilant superintendence he has exercised over it. In order to overcome in some measure the great depression in the square at the corner of F and 9th Streets, it will be necessary in laying pavement on 9th Street to set the curb as high as possible, consistent with the proper grade of the street. This will devolve upon us the necessity of filling up 9th Street at least two feet.

CONTRACTS have been made for the granite and marble work of the north front of the building. The sub-basement has been set, and workmen are now engaged in preparing the granite and marble, so as to be ready to take advantage of the earliest opening of spring to press forward the building. We hope at the close of the next season to make a handsome show of the amount of work that has been done.

The floods occasioned by the heavy rains of the past summer have proved that the plan adopted for the protection of the botanic garden against the violence of Tiber Creek was ineffectual. The walls of the creek having been laid dry on foundations not sufficiently deep and solid, the water percolated them, and, washing out the earth from behind and beneath them, they were in many places thrown down. The work ought to be reconstructed on a timber foundation similar to that under the culvert across Indiana Avenue, which should extend from Pennsylvania Avenue to the canal, and instead of dry walls they should be laid in full cement.

The plan I most approve would be to raise the walls two feet above high water mark, from which a very flat slope, well sodded, should extend to the general surface of the grounds. This plan would afford a larger bed for the stream when swollen, diminish its force, and lessen the chances of its doing mischief, and it would unquestionably present a much more elegant appearance than the present one.

East Capitol Street is directly in



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front of the centre building of the Capitol, and in stepping on the portico it immediately arrests attention. It should be graded and gravelled. This improvement is not only required for public convenience, but is necessary to give the Capitol proper effect in approaching it from that direction, and to present a fine vista in looking out from its main portico.

Boundary Street extends from Rock Creek to the Anacostia around the entire northern portion of the city. The remainder of the city is bounded by water courses. All of the large avenues run out to Boundary Street with the exception of Pennsylvania and Virginia Avenues. It is skirted nearly its whole length by beautiful groves of forest trees, and if opened and gravelled would make a pleasant ride around the city, which is at present very much wanted.

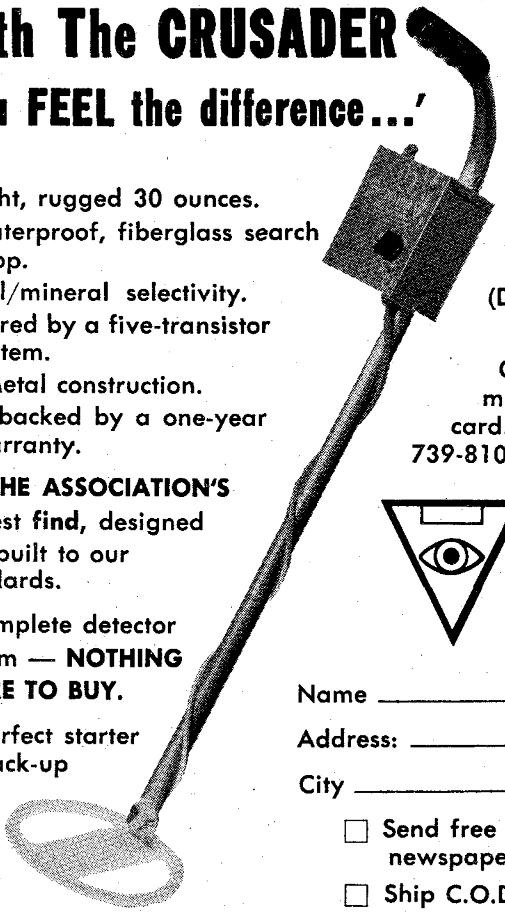
The Supreme Court of the United States decided that the fee simple to all the avenues and streets in the city is in the government. The aggregate length of the streets is one hundred and ninety-nine miles, and of the avenues sixty-five miles. The city has taken upon itself to open and grade the streets under authority given to it by the government, but in unwilling to do anything to the avenues unless absolutely necessary for public convenience and Congress will not make provision for them. This unwillingness proceeds from a want of ample means and a strong conviction that the government is bound in justice, as its share, to construct the avenues. Most of the streets have been opened and graded, and the work is prosecuted as fast as the revenue of the city will justify, but still it lags far behind the march of the improvements.

Massachusetts, New York, New Jersey, Pennsylvania, and Maryland, are the only important avenues that have been opened and graded, and they only partially so.

THE GRAND JURY having repeatedly condemned the jail as unsafe and in all respects unsuited for the purposes of a prison, the Interior Department was called upon by the Senate for estimates and a plan for such a building as would meet the demands of the public. A plan was accordingly prepared with great care and submitted at the last session of Congress. The estimated cost of erecting the building was one hundred and fifty thousand dollars. There was, however, no definite action on the subject.

The present jail is situated on Judiciary Square, in the very heart of the city, which is certainly a most improper location for a prison.

The judges of the several courts of this District, and the members of the bar, addressed a communication to your predecessor setting forth the great want of suitable accommodations for the criminal court and the important records of the clerk's office, and earnestly requesting him to bring the matter to the attention of Congress. Their request was complied with, and a plan was prepared for the extension of the court-house portion of the City Hall in harmony with the general plan of the building, the cost of which, including furniture, heating ap-



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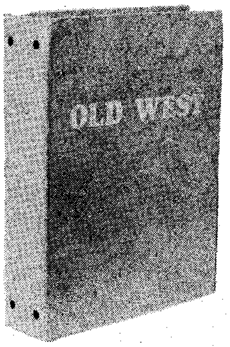

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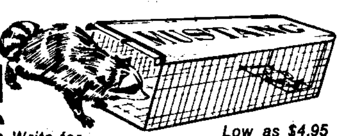

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paratus, enclosure, etc., was estimated at thirty thousand dollars.

The orphan's court and the office of register of wills occupy very contracted and inadequate rooms in the city's portion of the same building. If the extension of the building should be made, which I think is very necessary, suitable provision can be made in it for the accommodation of the orphan's court and register of wills.

I ask your attention to the fifteenth section of the city charter, approved May 15, 1820, and the twelfth section of the amended charter, approved May 17, 1848. You will perceive that they require of me to make certain improvements, and to pay the expense of the same out of the proceeds of the sales of city lots belonging to the government. All the government lots that could command a purchaser have been sold. The few remaining lots are so situated that they would not bring their very low assessed nominal value. I could not, when recently offered at public sale, obtain a purchaser for them at any price.

The improvements provided for in the sections to which I have asked your attention are indispensable, and as the source from which the means to pay for them were to flow has dried up, it strikes me that there is no alternative but for the government to make a small annual appropriation for the purpose.

THE GREAT NUISANCE heretofore complained of as occasioned by the centre market-house has in some respects been mitigated. Commodious sheds have been erected in the rear of the market-house on Canal Street for the accommodation of vendors, and consequently the misshapen shanties which used to disfigure Pennsylvania Avenue have been removed. Wagons and other vehicles which attend market are no longer permitted to occupy and obstruct the avenue, and it is now free of the litter they produce which, for a series of years, had been complained of as an abominable nuisance. But the old white-washed, moss-covered market-house still remains to mar the beauty of the avenue and to excite the wonder of strangers that such an unsightly building should be permitted to occupy so conspicuous a position. Unless the corporation shall soon make provision to have it taken down and to erect in its stead some more appropriate and imposing building, the government ought, in my opinion, to resume control of the reservation and not suffer it any longer to be occupied as a market-place.

It is well known that a great number of strangers are attracted to this city in pursuit of different objects. Many of them are taken sick, and not a few are destitute of the means of procuring the necessaries of life and medical treatment. It would be unjust for the city to be saddled with the expense of taking care of this class of persons. To provide for its own destitute sick is as much as can be expected of it. Congress, actuated by a humane and benevolent spirit, annually makes an appropriation for the admission of eighteen sick non-resident paupers in the Washington Infirmary, where they are well provided with every necessary comfort, good nurses, and skillful physicians. It will be perceived, on reference to the report of the resident physician, hereto appended, that during the year ending the 30th of June last, one hundred and nineteen patients were medically treated in this institution on the charity of the government, of which number eighty-nine were discharged as cured or improved, only eleven died, and nineteen still remained under treatment.

It is useless to make any comments upon this report. It tells for itself of the great amount of human suffering relieved and of human life preserved. This field of benevolence might be greatly enlarged by an increased appropriation, as I have vastly many more applications for admission than the number I have a right to send to the infirmary. Judging from the favor with which this charity has heretofore been regarded by Congress, I have every reason to believe that the sphere of its usefulness will be cheerfully extended.

THE DRAINAGE of the city is mainly accomplished above ground, and as a consequence, the streets are overflowed whenever there is a heavy fall of rain from the incapacity of the gutters to receive and carry off the vast quantity of water that seeks an outlet through them. It is almost impossible to keep streets clean that are subject to be overflowed, and the sediment which is left in them when the water passes off soon becomes offensive to the smell on exposure to the sun. The fact is well established that countries liable to inundation are generally sickly, owing to the alluvial deposits, and the same cause might reasonably be expected to produce disease in cities. Washington, however, seems to be an exception to the rule of induction, for, notwithstanding the frequent overflow of the streets from heavy rains, medical statistics prove beyond a doubt that it is one of the healthiest cities in the country.

To obviate the inconvenience resulting from the overflowing of the streets, and to prevent the possibility of sickness arising from this cause, a judicious system of sewerage should be adopted and carried into effect. In most of our large cities great attention has been bestowed upon the arrangement and construction of sewers, and they have reaped the benefit of them in the purification of the atmosphere, and a corresponding improvement in health. The government has constructed several large sewers in this city and the corporation a like number, but still there is a great deficiency for the wants of the city. What has already been done in the way of sewerage is but the beginning of what is needed, and speedy attention should be given to the subject, not only for sanitary purposes but to provide for the disposal of the greatly increased quantity of water that will be used for bathing, washing pavements, cleaning streets, and other similar objects when the aqueduct shall have been finished, and shall introduce into the city an abundant supply from the Great Falls of the Potomac.

To construct the necessary sewerage will require a large outlay of money, and considering the interest the United

States have in property in the city, it may be deemed but just that the government should bear a fair proportion of the expense. It is important that Congress should take this matter into consideration at the approaching session, and provide in some way for its accomplishment.

I hereto append a statement of receipts and expenditures for the fiscal year ending June 30, 1857.

Very respectfully, your obedient servant,

JNO. B. BLAKE, Commissioner

Hon. Jacob Thompson,
Secretary of the Interior.

The La Panza Mines

(Continued from page 23)

leaving for other parts. When the Mancillas decided to move from the mines, Dr. Still bought their inventory of groceries and dry goods. The Campbells, father and son, took over the saloon. Through the next ten years some mining was carried on, but not on the earlier scale.

In October 1894 an old miner, Mike Sullivan, was shot to death while chopping wood near his cabin. Sullivan had been a mild-mannered inoffensive fellow with no known enemies, and robbery seemed the only motive for the killing. An investigation was made by the authorities, but no arrests; and the incident became just another unsolved crime. Later events did point to one of the other miners as the guilty party, but the man had left for other parts, and again the matter was let drop.

The winter of 1894-'95 saw unusually heavy rains; and with ample water in sight large scale mining was resumed. Unfortunately a skillful sluice-box robber got in his work for several months before his activities were discovered. Getting wind of a little party to be held in his honor, the thief made a hasty departure.

By 1900 there were only scattered operations in the mining country—for the most part old fellows working along creek beds in the wet season, satisfied to make enough to keep them in tobacco and flour. Still, some gold was coming out of the mountains, and interest in the mines had not died out completely.

CERTAIN misconceptions about these mines have come down through the years. La Panza was never a town, though the way it appeared on the maps of the 1880s might have given that impression. At the time the Still family moved into the mines in 1879 there were perhaps two hundred miners with claims scattered along about two miles of Placer Creek; but there was no center of even village status—unless Mancilla's Saloon and Dance Hall could be called a community center. Some of the miners did build cabins on their claims eventually; but for the most part the first shelters were either tents or dugouts, and for many of the prospectors camp was little more than a canvas-covered blanket-roll and a few cooking utensils. Men would work a few weeks on one claim, then break camp and move to a new location.

The strip along Placer Creek had the

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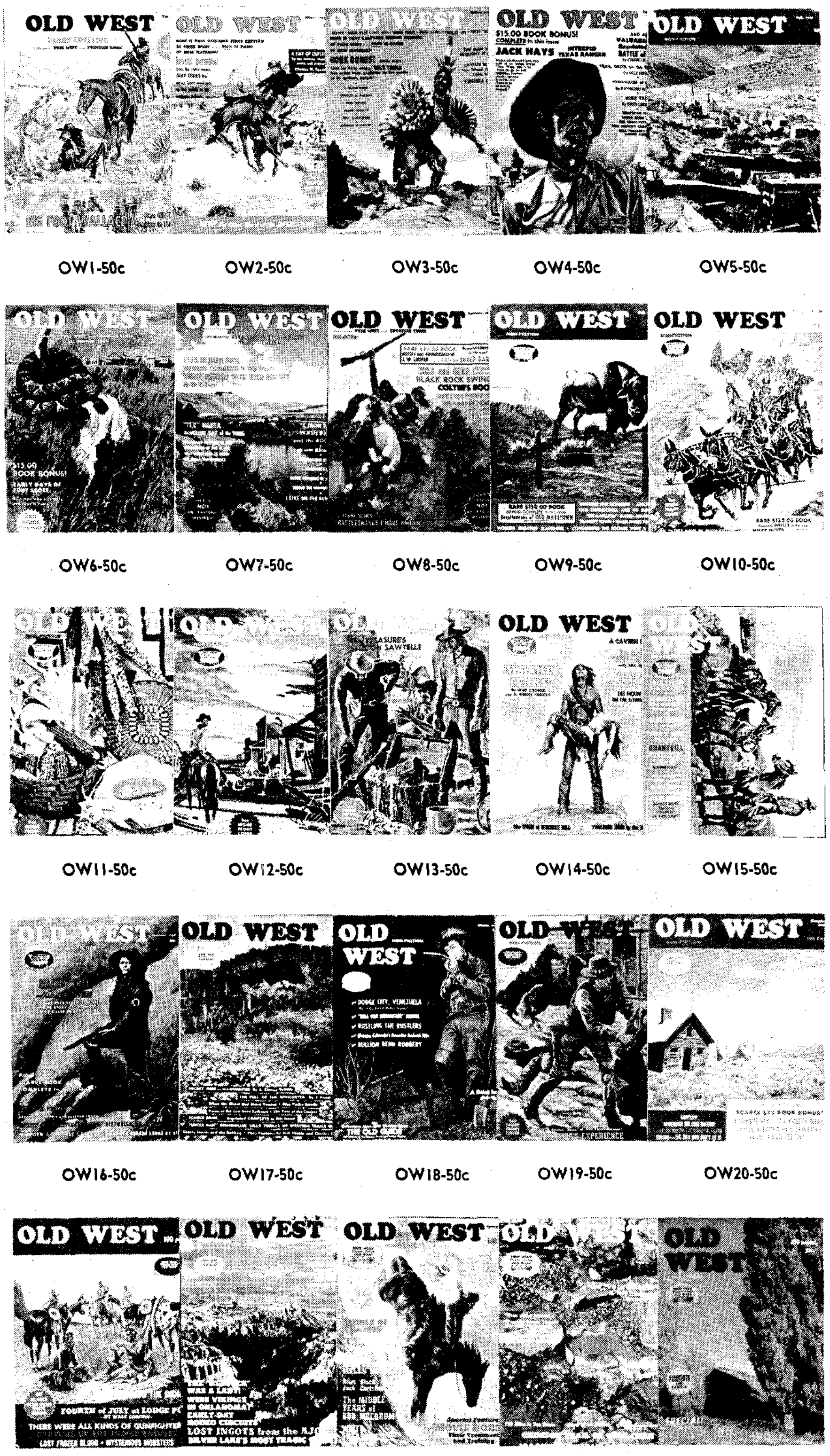

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greatest concentration of miners, but mining operations were not confined there, and here again old reports tend to bring on later-day confusion, for the term La Panza Mines was often applied to the whole of the placer area. Actually, the excitement of '78 took in the whole of the mountain range between Pozo and the La Panza workings (a distance of approximately fifteen miles across).

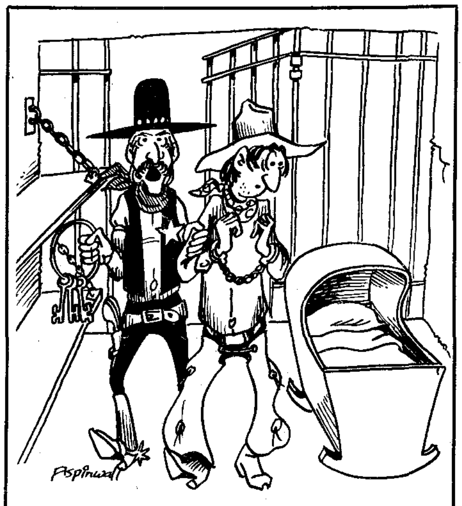
Starting in the Creston-Calf Canyon country to the north, prospectors swarmed through the canyons and draws of this spur of the Santa Lucias as far south as the hills between the Carrisa Ranch and the Avenales Ranch (approximately fifty miles in a southeasterly direction from the Creston area). This spur of mountains contained all the important operations of that first gold-rush: Commatti-Creston country to the north; the Navajo Canyon—just north of Placer Creek and running into the San Juan, and sharing with Placer Creek in the first wild rush and concentration of miners; the Cleveland Basin where Trujillo found the nuggets in the spring—later to be called the Queen Bee; American Canyon and other tributaries of the Salinas on the Pozo side of the mountains; and to the south of Placer Creek various creeks and canyons figuring in the excitement—Nigger Flats, Glenn Canyon, Portuguese Canyon, Pole Spring Canyon, Bear-trap Canyon; and still farther south, Hay Canyon which was mentioned in early reports on the mines.

During these years there was hardly a side draw or canyon in this area but what had its quota of prospectors at one time or another, though prospecting was confined almost exclusively to the mountains. There were two reasons for this: First, the best prospects were found in the granite country of the hills, not in the open *'dobe* country surrounding them. Second, this open *'dobe* country was owned at the time of the gold-rush by big cattle ranches, and these ranchers were most uncordial—to put it mildly—in their welcome to prospectors drifting onto their lands.

Another misconception which needs clearing up: There never were any rich single claims to bring wealth to a few. There were reports of individual miners going out with several thousand dollars to show for a winter's work, but those who did strike a rich spot were reticent to tell of their luck for there was no established law and robbers were rampant. There was no doubt that gold was coming out of the hills, and in rather important quantities. It was entirely placer mining; and though there were some fairly large nuggets taken out at times, it was for the most part flake gold, much of it small and hard to recover. Trundling dirt down to a stream in a wheelbarrow, or hauling it in sacks strapped across the back of a burro, was slow, hard work; and for the rank and file of the miners this work probably produced little better than going wages.

Old-timers have said that with a little luck some of the miners averaged up to four or five dollars a day during the season when water was flowing freely in the major creeks; but that for most of the men mining through the hills, a dollar or two a day average was the usual take. Occasionally a rich pocket was struck where several hundred dollars might be mined out within a few days, and it was these pockets which kept the mining fever going—always the big strike was just around the corner. Apparently these pockets were simply Nature's ground-sluicing — places where the winter erosion of centuries had concentrated loose gold, often near the mouth of side creeks and draws. They appear to have been well scattered throughout the mountains, and it was largely a matter of luck in striking them. As the pockets were cleaned out, the work of mining increased, and with this increase of work most younger men gradually drifted away to take jobs where the returns were more certain. Not all the miners left; but for the most part those who remained were old fellows who were satisfied to make a few dollars for grub and tobacco.

As to the amount of gold taken out of the La Panza hills through the years—well, that is anyone's guess. Myron Angel, in his *History of San Luis Obispo County* published in 1883, gives the figures of between fifty and sixty thousand dollars a year during those first boom years, and something like ten thousand dollars per annum being taken out at the time his book was published. But here it should be pointed out that this was only the gold which went out through recorded channels, and was only a very small part of the total output to leave the hills. There were several reasons why much of the gold mined in those first years was never accounted for: First, something like four-fifths of the original miners were either the native Spanish-speaking Californians or their kinsmen and *compadres* from Sonora State in Mexico. Theoretically the *Californianos* were citizens of the United States by the treaty with Mexico; but it was hard to tell the Californian from the Sonoran, so all got classified as "Mexican." And certainly the shabby treatment both Californian and Sonoran had received from certain *gringos* had done nothing to inspire confidence in either *gringo* law or *gringo* banks. Beyond such gold as was needed to buy supplies, these "Mexicans" very prudently kept their gold hidden until such times as they could make their way to other parts of the country, with the final spending in the Latin quarters of Santa Barbara, Los Angeles, Monterey, and San Francisco—and even back in Old Mexico for many of the Sonorans.



"You should feel honored . . . this cell was once occupied by Billy the Kid!"

Many of the "American" miners also were of a more or less transient nature, mining for a few months, then taking their gold to be spent elsewhere. And certainly the grifters—the gamblers, the chiselers, the thieves, the gay ladies—were not likely to make an accounting of what gold they got from the miners. The Chinese also were reticent about the gold they took from the mines, for as aliens they were under pressure. After the post office of La Panza was established, many of the miners very prudently cleaned their sluice-boxes often, sending the gold out by registered mail. Dr. Still often said that to his own knowledge much gold was sent out that way, though he had made no effort to keep any permanent record of it beyond what was required by the post office department. He said that gold had been sent to China by certain of the Chinese—perhaps to pay the way of kinsmen coming to the New World. Having mentioned the Chinamen, I should perhaps bring in the story of the Chinese and the part they played in these La Panza mines; for here too is one of those stories so beclouded by misstatements as to be nearly impossible to unravel. So I will tell the story as it came down through various members of the Still family:

At the time of the first scramble for claims in 1878, there were a number of Chinese among those marking out claims with no one giving too much attention to them although a few dissenters did object to allowing these "foreigners" to work. Somewhere in this early influx of Chinamen one of their members was killed—a few sticks of dynamite or a can of gunpowder dropped down the chimney of his dug-out. But the incident was soon forgotten in the general confusion of a boom mining camp. Through the next seven or eight years the Chinese did do considerable mining—this much for sure; but the details of their stay in the mines have come down through the years with many contradictory versions. It seems probable that the Chinese remained in the Placer Creek workings up until about 1885 or '86. The following incident was told by Abram Still who was turning twenty-one the year his folks came into the La Panza mines:

The fact that the Chinamen had been shipping gold out of the country had caused considerable resentment. Then along in the early 1880s, certain wealthy Chinese from San Francisco financed and started wholesale mining operations along Placer Creek, bringing in something like two hundred coolie laborers. This touched the spark to the tinder, and most of the "white men" took action. They set a date, then quietly got together all available teams and wagons. Surrounding the Chinamen's camp, they

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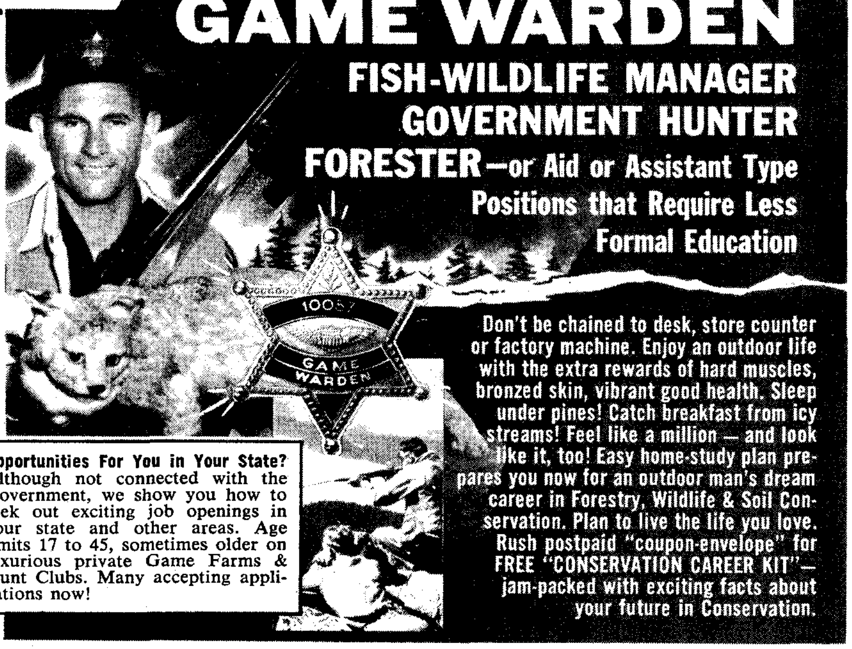

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ordered the coolies to roll their blankets and climb into the wagons. This was done (according to Abram Still who drove one of the wagons) without violence; and the coolies were hauled across the mountains and released a mile or two outside the town of San Luis Obispo—to disappear, bedrolls and all, into the brush just as fast as they could go. Here it should be pointed out that these Chinese were but day laborers, with nothing at stake but the meager wages paid them by their superiors. They had nothing to gain by getting embroiled in a fight, and doubtless many of them simply took off for other parts of the country without leaving any word of their destination.

The operation of removing this work gang did not take in the Chinese who had legitimately worked claims before the work crew came into the mines. There were those among the white men who wanted to "make a clean sweep of all the Chinks;" but Ah Louis, an influential Chinese of San Luis Obispo, used his influence with Dr. Still and other moderates, and it was agreed that Orientals working legitimate claims in Placer Creek could work their claims out but that no new claims were to be taken. (Other sources say that Ah Louis himself sponsored a similar mining operation using coolie labor in the Navajo Canyon and during this operation took out a considerable amount of gold.)

Mentley Still recalled that those Chinamen who had claims continued to mine for a time, but eventually there were too many "brothers" and "cousins" helping with the work. Also, the Orientals began tunneling from their own claims under land on the outside, and these holes and tunnels became a menace to livestock riders. So a final ultimatum was given: Get out by a certain date—or else! On the final date, a vigilante group went to Placer Creek to enforce the exit. But they found the Chinamen—perhaps fifty in number—already trudging down along the San Juan River, their possessions in baskets slung from poles across their shoulders. Again the exit had been without violence.

Somewhat later, Othor Still, at that time a lad of perhaps sixteen, was out with his shotgun hunting rabbits. He came upon a Chinaman at work, hidden from the more traveled trails by the willows. It is hard to say who was the most startled—the boy or the Oriental. The Chinaman let out a yell and made a wild dash for his dug-out; and Othor Still, thinking that the Chinaman was going for a hidden gun, blasted away with his shotgun, aiming over the Chinaman's head. The rabbit-shot hit into the dirt-and-thatch roof of the dug-out, and the whole roof collapsed just as the frightened Chinaman reached it. Then both the Chinaman and Othor took off for other parts without waiting to see what the other was doing—and that was the last Chinaman to work in Placer Creek.

THROUGH the first twenty years of the present century, some mining has uncovered various old bones in certain of the abandoned prospect holes; then someone harked back to these early-day stories. Put together that early incident of the Chinaman blasted to Kingdom Come in his camp, the episodes of "running the Chinamen out of the country," and this final blast of a shotgun in the hands of a boy. The result—a gruesome story of a wholesale massacre of helpless Chinamen. Denials and explanations by old-timers who knew the facts did no good; nor did the fact that the bones proved to be not human but rather the bones of calves, pigs, and goats butchered on the sly by miners throughout the years. This story of the massacre of Chinamen has persisted ever since—a massacre which had never taken place.

THROUGH the first twenty years of the present century, some mining was done along Placer Creek—as well as in other parts of the hills, but never on the scale of the boom years. By this time the Still family had acquired through purchase and homestead about 3,000 acres of land, including that portion of Placer Creek where the first gold rush had taken place.

In the early 1920s an attempt was made to work the ground with large machinery. Ed Pierce and F. Robisciotti built a dredge on Still's land in Placer Creek; and also, about this same time, an attempt was made to bring big machinery onto land owned by Burt Alley in the Navajo Canyon, and onto the Queen Bee Mine owned by Harry Chester in the Cleveland Basin. Unfortunately these ventures occurred at the beginning of a series of heavy drought years, and not enough water was available for this type of mining.

Long before the heavy rainfall of the mid-1930s relieved the drought, the companies who had brought the machinery into the La Panza area had dismantled their machinery and gone to other enterprises. Only a few old-timers had stuck to their claims, working when water was available. Then with the Depression there came a new interest in mining, and several newcomers took up claims and built cabins. Again, in the early 1940s, there was an attempt to bring big machinery into the country; but this time the war interrupted and by the time the war was over, those who had started the work had turned to other things.

Before leaving these La Panza Mines, perhaps a few words about Harry Chester might be of interest; for here was a colorful character, and in a way the last of the old-timers to actively work his ground by the old-time methods. Chester came into the La Panza country in the late 1890s, and soon thereafter took over Tom Porter's Cleveland Basin holdings in the vicinity of the spring where some twenty-odd years earlier Epifanio Trujillo had discovered the nuggets. Chester renamed the Cleveland Basin, calling it the Queen Bee Mines, and it is by the name Queen Bee that the area now appears on maps.

Coming into the country at about the time many of the earlier miners were leaving, Chester managed to get title to a number of claims so that for a time he pretty well controlled the Cleveland Basin. His was an inventive mind, and after some experimentation he developed a "dry washer," a machine only moderately successful. Chester, however, was not one to become easily discouraged, and soon developed a more successful method of collecting gold.

He was a smooth talker and would go to Los Angeles or San Francisco and there talk up his mines until he could get some greenhorns interested enough to put up money for grubstake, and who would be willing to come into the hills for a winter's work. Having formed his "company" of men—none of whom had ever had any mining experience—Chester would set them to work. Through the winter and spring while the creeks were running high, Chester and his company would ground-sluice (make a ditch along a slope or across a strip of land to be mined, turn the creek water into the ditch, then set about caving in the banks or shoveling dirt into the stream, keeping the loose soil stirred up until much of it washes down the canyon).

This method of mining—a legitimate method—does not turn out gold where it can be seen, and anyone with mining experience would have known that this step was but a preliminary to the final washing of the gold. But the greenhorns, unfamiliar with mining methods, and discouraged by several months of hard work—to say nothing of a considerable outlay of cash—would become edgy over the apparent lack of returns. Chester would adroitly manipulate them into quarreling among themselves, and before long the inexperienced partners would pull out, marking the whole thing off to experience.

Through the wet season of the next two or three years, Chester would quietly go about cleaning up this reduced dirt with his rocker—about ninety per cent of the heaviest work having been accomplished by his departed partners. When the cleanup was completed, he would set out to fast-talk a new "company" into a similar deal—a ruse which he seems to have worked successfully a number of times.

With the heavy rainfall of the spring of 1932, Chester again set about recruiting some partners in his mines. But this time things did not work out so well. A lawsuit followed, and before it was over, Harry Chester was dispossessed not only of the Queen Bee Mines, but of his cabin and garden as well. Stubbornly refusing to admit defeat, he took up a claim in an adjoining canyon, and there set up a tent for living quarters.

He was by now advanced in age, and this roughing it proved too much for his health. He refused, however, to leave his claim, so his step-daughter came to care for him. During the heavy winter storms of 1936, he came down with pneumonia and died before he could be taken to a hospital.

In a way the death of Harry Chester ended the chapter started nearly sixty years earlier when Epifanio Trujillo found the nuggets in the rill below the spring; and perhaps it was fitting that Chester's Queen Bee Mines should have been based on this very spring.

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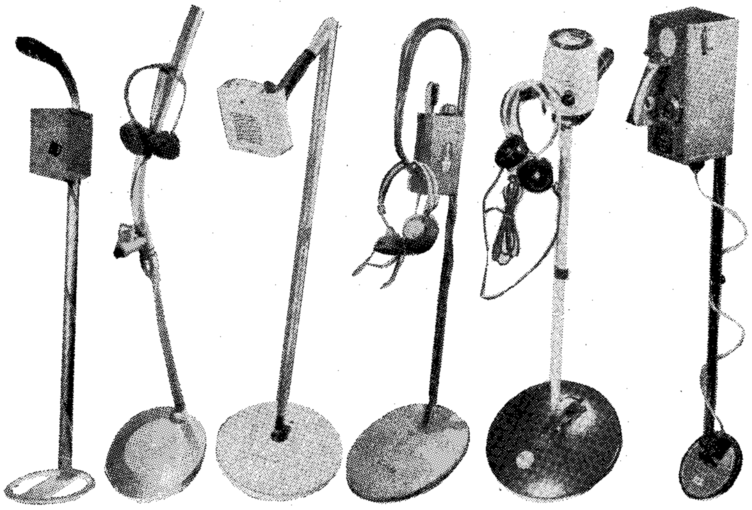

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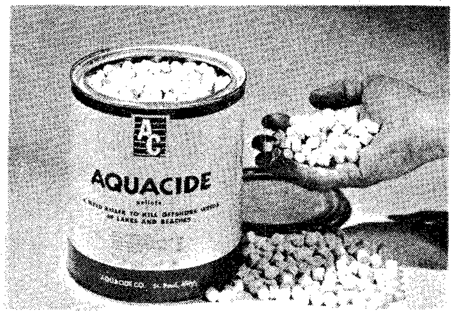

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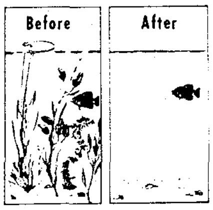

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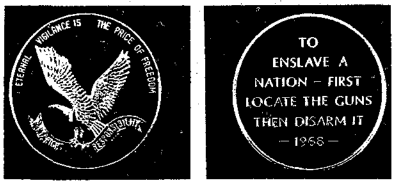
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WESTERN BOOK ROUNDUP

By The Old Bookaroos

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CALIFORNIA DUELS

Blood and Honor (Saga-West $1.25) by William B. Secrest is the "incredible, yet authentic stories about the wild dueling mania that gripped California during the Gold Rush." This thirty-seven-page booklet is a fascinating account of the growth, rules, and decline of the violent method of preserving honor known as dueling. Dueling was common in Europe, became well established in the United States, particularly in the South where "honor" became a fetish, and flourished in California during the tremendous expansion of the state during the Gold Rush. Cold-blooded, comic, courageous, calamitous—are adjectives used to describe different episodes. Famous men were killed or killed their adversaries over petty or imagined wrongs. Oftentimes differences were settled after a series of complete misses or minor wounds. The ritual often seemed to be more important than the actual bloodshed, and the rules for each duel were formal and exacting. Secrest's booklet is good history and good reading of an activity and an era perhaps less barbaric than times and events of today.

MUSTANGS

America's Last Wild Horses (Dutton, $8.95) by Hope Ryden is a discussion of the viewpoints and philanthropic actions of the author and a small coterie of potent mustang enthusiasts seeking better treatment for the unbranded wild ponies found on some of the public lands of the West. To the group's credit, it found sufficient Congressional influence to establish a few but adequate refuges and obtained help to get legislation enacted to insure humane treatment of wild horses in the future. A few interested Westerners have established a Spanish Mustang Registry and are hopeful of perpetuating this strain of American horseflesh. Argentina has long maintained a registry of upgraded native horses called Criolla. However, the original Spanish-U. S. barb has been interbred with horses of English and colonial descent and no longer exists in a pure state. Unfortunately the author engages in some crusading at the expense of fact. Much of the narrative is a directed attack on Government agencies and wildlife groups who have done monumental good for the conservation of natural resources. The Government is blamed for not having ecological refuges in the Great Plains where many State and Government refuges, parks and monuments are found, including the Wichita Wild Life Refuge, Valentine Nebraska Wild Life Refuge, two Black Hills refuges, two Badlands National Monuments and others. This reviewer has had mustanging experience in Wyoming, Utah and Nevada and has visited all of the ranges where feral ponies hang out. We've had several mustangs in our saddle strings but failed to observe the characteristics for endurance and flint-footedness claimed by the author. Most were too small to give a man a day's ride and they lacked the stamina of better bred horses and they always became sore-footed and had to be shod. If these ponies are so superior, why have American horsemen chosen larger and better bred mounts?

INDIAN FIGHTING ARMY

Military Posts in the Powder River Country of Wyoming 1865-1894 (University of Nebraska Press, $5.50) is a long needed scholarly treatment which adds much to U. S. Indian war history of the area. In most reports, the dramatic Fetterman Massacre, the Wagon Box Fight and the Johnson County War have cornered the news coverage, and many of the other military posts and actions were not given the proper recognition. Part I of this book deals with the posts of 1865-68 and Part II covers the different posts of the 1876-94 era. Students of Indian and U. S. military history will be interested in a number of features including appendices, notes, a collection of maps, plans, drawings, photos, bibliography and index.

WESTERN TRANSPORT

Via Western Express and Stagecoach (Bison Book, $1.65) by Oscar Osburn Winther is a reprint from the original which appeared in 1945. It is the story of transportation links between California and the rest of the nation during the period 1848-1869—just before the coming of the railroad. It was the time when hordes of gold miners and thrill-seekers poured into California. The coming of the Pony Express, Wells Fargo, the Butterfield Overland Mail, the Central Overland and the P. P. Ex. Co. were milestones. Statistics, economies, hardships, dangers, and romance of early western travel are interwoven with famous personalities, drivers, and highwaymen to create a fascinating story. Included is a folded end-map, numerous illustrations, bibliography and index.

Total Poverty

(Continued from page 25)

household duties, she said, "I would give all of the education that I have to be as efficient as you western women." Looking over my mother's large brood, she said, "I wish that Franklin and I had gotten married younger and had a family. When Franklin wanted to get married, I wished to teach a few years. When I was ready to marry, Franklin was halfway around the world."

The thirties came, bringing drought and depression. Social life in our community diminished and almost ceased to exist as the neighbors became fewer. Cars had slowly replaced horses as modes of transportation, but few of the women learned to drive. Money, for everyone, was short and no one wasted gas on unnecessary travel. The Conrads never had a car; Darky Dear had been dead for many years and Mrs. Conrad never drove another horse. Life must have been lonelier than ever for her.

Even in good years, Frank's sheep business had gone farther in the hole. Only his wife's teaching had kept them going, plus what money they "borrowed" from her brother, a prosperous businessman in Maine. But Mrs. Conrad was fast getting senile and no longer able to hold even a small country school. Frank was soon out of the sheep business and working on WPA.

Frank Conrad, always slovenly in appearance, became worse. Weeks, even months, went by without his washing his face or his hands. Once he became sick and was taken to the hospital. Afterward he told my parents of the crabby nurse who had snapped, "I suppose you haven't had a bath for six months." My outspoken mother gazed at Frank a moment and then murmured, "Maybe she wasn't far wrong at that."

"But she was, though," Frank protested. "Mrs. Conrad got a pan of water and a cloth and gave me a good bath just the day before."

Another time he came to my parents' home near mealtime and, as was the custom, he was invited to eat. My father said, "Well, Frank, there's the wash pan if you want to wash up a little."

Frank splashed his hands around a little, then explained, "I never wash my face till night."

From the twinkle in my father's brown eyes, I knew that he longed to ask, "What night?"

His wife did the best she could. Her two-room home was as clean as she could keep it; and with the aid of washboard and flat irons she kept her scant wardrobe neatly washed and pressed.

IT WAS the winter of '35-'36 that a young married couple moved into an old homestead cabin which sat between our home and the Conrad place. The young women made it a habit to visit Mrs. Conrad once a week when Frank was gone. He was working on WPA and home only on weekends.

One Sunday evening, as Frank was going back to work, he stopped at the home of the young couple and asked if the young lady would go to see his wife as usual during the week.

And it was on the following Thursday that the crying and upset young lady, accompanied by her husband, came to ask us to go with them back to the Conrads'.

The young neighbor had walked the two miles over to see Mrs. Conrad, and as soon as she got in sight of the house, she knew something was wrong. No smoke spiraled from the chimney and tracks in the snow showed that the frantic dog had made dozens of trips to and from the county road; yet the young lady went on. There was no answer to her knock; no tracks in the snow but the dog's. She tried the door and found it locked.

With apprehension she looked in the window, saw Mrs. Conrad, and fled. Mrs. Conrad lay half on, half off her couch. She was fully dressed, but from the twisted position of her clothing and one bare hip, it was obvious that she had been struggling.

There were no telephones and it was seven miles to town, so my brother and I went with the young couple and broke the door open on the vague hope that she might be alive but unconscious. We were not surprised to find her dead, her body frozen solid. The coroner later gave the verdict of heart failure. My brother went to town, reported the death to the sheriff, then drove down to tell our parents who were living in town.

It had been a long time, but within a matter of minutes my mother produced the old address, and my brother fulfilled a promise made so many years before. My brother received no answer to his telegram, and Frank said that he hadn't. As the days went by, we began to wonder if the brother had moved. Or was he dead also?

At last my brother went to the telegraph office and found that Frank had committed what, in our opinion, was his crime of crimes. Mrs. Conrad's brother had wired, "In bed with flu. Unable to come. Sending money to ship body east." Frank had cashed the telegraphed money order and let the county bury his wife.

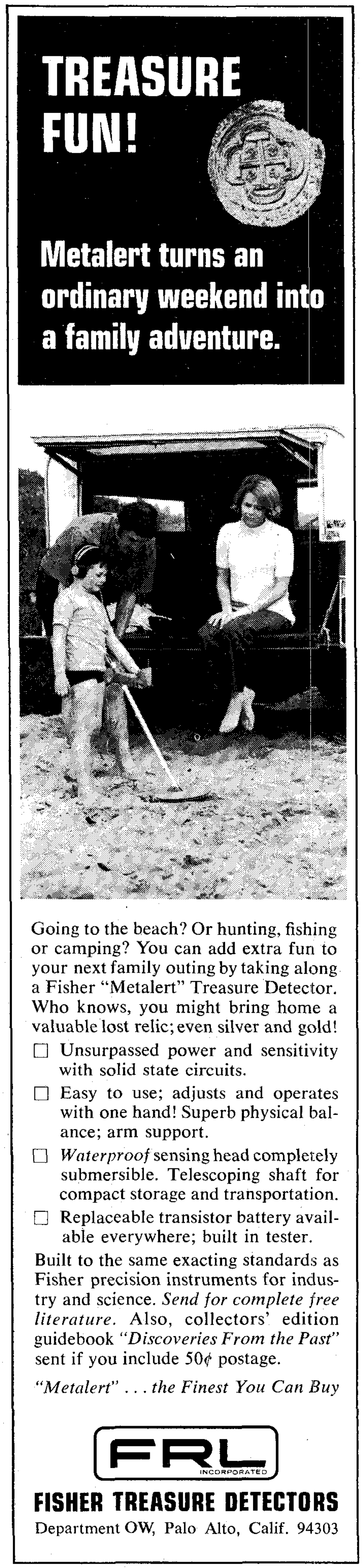
The neighbors gathered to pay her a last tribute as she lay in a shabby dress in her coffin. Her husband hadn't even bought something suitable for her to be buried in.

We had loved her. We had pitied her. We had chuckled at her "greenness," but we all agreed with the kindly preacher who said, "She did the best she could."

A Pretty Girl

(Continued from page 17)

put up a handsome marble marker over the grave. The townspeople as a whole felt very sorry for him. The young Englishman became a kind of recluse, living alone in the big house and drinking heavily. For a short time he stayed with some English friends in Newton, Mr. and Mrs. John W. Weaver, and while with them he met Nellie Bailey, a young lady who would have a profound influence on his life. Later Bothamley went back to live at the Marsh mansion and brood about Hattie. In 1881 he finally sold the house for $7,000 and bought a ranch near



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SOON afterward, while he was visiting in Emporia, he met up with Nellie Bailey again. Her father owned a farm at nearby Halstead. Two years later they were to meet again in St. Louis; and at this third meeting Bothamley persuaded Nellie to join him at his ranch.

How much he knew of beautiful Nellie's background is uncertain. It seems that he must have heard at least some of the gossip because he agreed that they could not go on living in Kansas but would move to Texas where she was not known.

She was born Nellie C. Benthusen on September 19, 1863, at Algonquin, in McHenry County, Illinois, of Scots-German parentage. In 1871 her father had moved to Halstead, Harvey County, Kansas, with his family (there was also a son) to farm in the free range country.

Nellie had been sent to school at Rockford Seminary in Illinois, where her unorthodox ways soon attracted a good deal of talk. She was a remarkably striking young woman with a strong will and a contempt for conventions.

When she was sixteen she fell in love with Alvin Lakenside whom she was later to describe as "a firm, sober, industrious and intellectual young man." They were to have been married on August 17, 1879, but the irresponsible Nellie ran away with Shannon Bailey, a wealthy Newton banker who was considerably her senior. The elopement took place eight days before Nellie's scheduled marriage to young Lakenside and she jilted him by note.

It did not take long for Shannon Bailey to become tired of his young wife and he gave her $4,000 to get out of his life. Nellie left. It is unlikely that there was a divorce.

Nellie met Clement Bothamley shortly afterward at the Weavers' home in Newton. She was immediately impressed with the young man and knew of his recent bereavement. She described him later as "very handsome, about twenty-eight years of age," and said that "he possessed fine business qualifications, and was highly intellectual, but his face bore unmistakable marks of dissipation."

Nellie and Bothamley did not meet again for a year and during that time she went to eastern Kansas to try her luck as an actress. The stage troupe went east to New York and then traveled to Wisconsin. During this time she met Robert Reese, an engaging young actor in her theatrical company, and one night after a party at Washeuk, Wisconsin, she accepted a dare from him to go to the home of a justice of the peace and get married. There was no certificate or certain legality in the ceremony but it was accepted as legitimate. Reese and Nellie soon parted. It was then she met Clement Bothamley again in St. Louis.

Nellie was reluctant to return to Kansas where she was known and just set up house with Bothamley. She was calling herself Nellie Bailey, having retained Shannon Bailey's surname, but Bothamley's ranch was reasonably near Newton and there would have been talk. Bailey had gone to Canada and Nellie claimed later that she had heard that he was dead. Also, her family was still living at Halstead. So it was decided that Bothamley's ranch would be sold and that they would marry and start afresh in Texas. Then, and only then, would she tell her family about the marriage and take Bothamley to meet them. In the meantime she would live with him at the ranch, posing as his sister Sarah just arrived from England.

The plan worked well enough. They reached the ranch in July 1883, and Bothamley had a lot of business to clear up in the county and was too busy for social engagements. Whenever Nellie ventured out-of-doors she wore a big hat, dark glasses and a heavy white veil, and Bothamley explained to his ranch hands that his sister was worried about spoiling her beautiful peaches-and-cream English complexion in the harsh Kansas sun.

Bothamley by then was a sick man, suffering badly from rheumatism and sciatica, and Nellie herself made many of the arrangements for the sale of the property. She also discovered that he was considerably more wealthy than she had at first thought and was delighted when he gave her some family diamonds and a delicate little locket containing a hand-painted miniature of Lady Churchill. Sometimes Bothamley was bed-ridden, but usually he managed to drag himself around the ranch and assist with the plans for the move to Texas. Nellie commented later that he "possessed so much of the English stubbornness that he generally accomplished whatever he undertook."

A WAGON was fixed up with a wooden hood, rather like a gypsy caravan, and Bothamley bought a flock of 2,200 sheep to drive with them and use as the basis of a sheep empire which he hoped to establish in north Texas. He also hoped that the dry climate would help his rheumatism. Two men—fifteen-year-old Wesley Vetter and William Dodson—were hired to act as herders.

On August 21, 1883 the journey began. They moved slowly, allowing the sheep to graze as they went along, and on the night of October 7 they were camped on a creek in present-day Garfield County, Oklahoma, some six miles from the settlement of Waukomis. Vetter and Dodson were bedded down with the sheep some distance from the wagon where Bothamley and Nellie Bailey slept.

About three in the morning a shot roused the herders but they didn't investigate it. Then, two hours later, just after dawn, they heard Nellie—they knew her as Sarah Bothamley—screaming for them to hurry to the wagon.

The two men looked inside. Clement Bothamley lay on his back with a bullet hole in his head close to the right eye. Nellie, sobbing, told the herders that he had killed himself. A .45 calibre Colt revolver lay on the bed and one shot had been fired from it.

About this time two local ranchers, Ralph Collins and J. W. C. Donaldson, rode up. They had been camping on the prairie overnight and were on their way home. Collins raced into Waukomis to summon help and a posse rode out headed by Abe Rhodes.

Courtesy Western History Collections; University of Oklahoma Library

Henry Newton Brown was a member of the posse who hunted for Nellie Bailey.

He scouted around and found a pillow with the ticking saturated with blood lying near the creek some distance from the wagon. A hole in the case was about the size of a man's thumb—or a .45 calibre bullet. Rhodes also noted that the bullet hole in Bothamley's head appeared to have ranged downwards—a circumstance which he considered might rule out suicide.

The body was taken to the Skeleton Ranch and a coffin was hastily made from dry goods boxes. Collins and Donaldson helped prepare the body for burial while others dug the grave. In addition to the weeping Nellie, eleven men and four women attended the funeral, one of the first recorded in that section of the country.

After the burial Nellie, Dodson and Vetter rode back to the wagon, rounded up the sheep and moved southeast towards Texas.

MEANWHILE Abe Rhodes reported his suspicions to Pat D. Terrill, a United States government agent who worked under U. S. Commissioner J. F. Sherman at Wichita. The commissioner notified Deputy United States Marshal Cash Hollister at Caldwell, Kansas, who took two men and a zinc coffin and set out after Nellie and the wagon. One of his possemen was Henry Newton Brown, city marshal of Caldwell, an apparently

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The lawmen caught up with Nellie Bailey and her herders and turned them back toward the Skeleton Ranch. Hollister had Clement Bothamley's remains dug up and encased in the zinc box and then set off for Caldwell with his prisoners. From there they went to Wichita where the body was examined by Commissioner Sherman before being sent to Newton where it was buried beside Hattie Mellick and her baby.

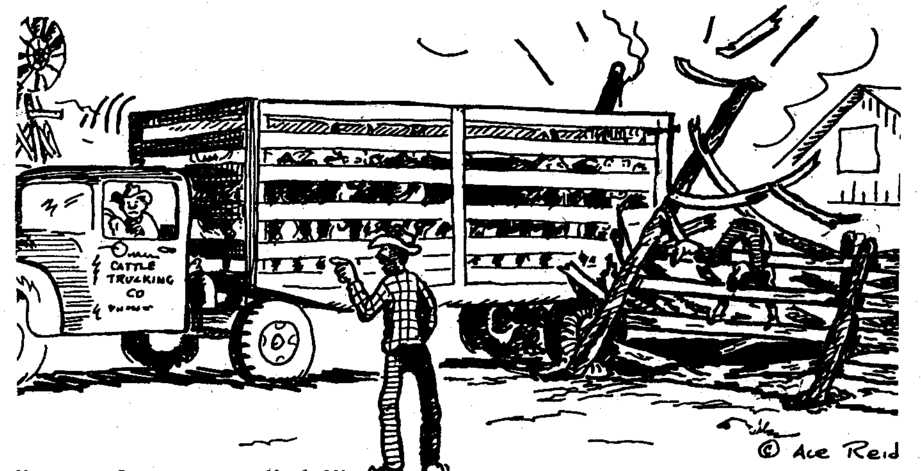
The Wichita *Eagle* had editorialized that "the affair has every appearance of a dark and bloody deed" and drew attention to the fact that Nellie Bailey had in her possession a letter addressed to John C. Johnson, registrar of deeds at Newton. U. S. Commissioner Sherman also thought this was significant, especially when he discovered that the letter contained notations that if anything happened to Bothamley all his property, including the family jewelry, would pass to Nellie Bailey.

William Dodson was acquitted of complicity in the suspected crime, but was held on $500 bail to appear at the trial. Nellie Bailey went back to the Wichita jail and in mid-November was taken to the state capital of Topeka by Deputy Marshal Wade. There she was visited by Alvin Lakenside, the man she had jilted for Shannon Bailey.

On November 15 the case took on a new slant when Robert Reese arrived in Wichita and announced that he was going to sue Nellie for divorce, claiming that she had married him against his will. The local citizens found this highly amusing and made much of it. A reporter on the *Eagle* described Nellie as "the dark eyed, trim, handsome young woman, the fire of whose nature so surely enwraps all with whom she comes in contact . . . but whose face and eyes have persuaded everybody of her innocence excepting the U. S. Attorney, her prosecutor."

In the meantime the very strong British-American Association in Kansas—of which Clement Bothamley had been a member—had taken an interest in the case and a man named Phillips, who lived in Newton and was the head of the association, was asked by Commissioner Sherman to handle the probate side of Bothamley's estate. Phillips contacted the British Ambassador in Washington and through him traced a brother living in Florida and another in Ontario, Canada. Pat Terrill, the U. S. government agent, was given instructions to handle the case for Her Majesty's Government and to keep the British Ambassador fully informed.

NELLIE BAILEY was held in custody for sixteen months before she appeared for trial before Judge Foster at Wichita. The case had attracted considerable attention and the courtroom was too small. The trial was held in the opera house. Nellie's beauty had swayed a good number of heads and the revelation in the widely read *Police Gazette* that Nellie had put away two men for their money before she met Bothamley added a juicy tidbit for the crowd.



"... and now up a little!"

Some of the best legal talent in Kansas was represented. The defense lawyers were led by W. E. Stanley of Wichita, who later became governor of Kansas. He was assisted by Joe W. Andy, later a United States attorney, and Thomas B. Wall, later a prominent district judge. The prosecution was handled by Colonel James R. Hallowell, a famous figure in early Kansas legal circles, and Charles Hutton. In all eighty-two witnesses were subpoenaed, but not all of them were able to appear in court.

Caldwell's up-and-coming lawmen, Henry Brown and Ben Wheeler, had reverted to their old habits of outlawry on May 1, 1884, and had held up the bank at Medicine Lodge, Kansas. They had escaped, been captured and executed the same night by vigilantes. Deputy U. S. Marshal Cash Hollister, who had made the actual arrest of Nellie Bailey, had been killed by an outlaw in the line of duty at Hunnewell, Kansas.

The trial opened on January 15, 1885. Prosecution witness Captain R. M. Curtis of the federal prison at Topeka testified that Nellie Bailey had given nothing but trouble during her stay in the jail there. He spoke of her tantrums, her hysteria and her profanity, and painted a very different picture from the demure young woman in sedate black who sat at the table in the improvised courtroom on trial for her life.

United States Agent Pat Terrill said that the bullet which had killed Bothamley had been fired from behind and had come out above the victim's eye. He demonstrated that it would be very nearly impossible for a man to hold and fire a gun in such a position—especially a man with rheumatism.

Various people who had been at the Skeleton Ranch where Bothamley was first buried testified regarding Nellie's behavior there and stated that while she did some weeping she did not seem overconcerned about the death of the Englishman. There the prosecution rested its case.

The defense lawyers started by putting character witnesses on the stand. The first three were women with whom Nellie had lodged at different times and in different places. However, each admitted under cross-examination that they had been forced to ask her to leave because of her flagrant conduct with various men.

Doctor H. H. Dwight, who had treated Bothamley for rheumatism on several occasions, testified: "I did not consider Bothamley's mental condition sane. He used opiates, and he repeatedly asked me to take his revolver and shoot him, or give him something to put him out of the way. If he thought that he would never get well, he said he would put himself out of the way, as he had suffered so long."

Miss Nancy Hull, who lived with the doctor, testified that Bothamley had had a revolver several times when he had been in the doctor's office and was always "talking about putting a bullet through his head." She said that "his joints were swollen and he suffered a great deal."

John W. Weaver testified that Bothamley had lived at his home in Newton between July 1880, a month after Hattie's death, and February 1881, and that Nellie Bailey had first met Bothamley in his house.

WILLIAM DODSON testified on the condition of the inside of the wagon where Bothamley was lying dead. "His left hand was on his breast," he said. "His right hand was raised and the revolver was lying on the bed near his hand. The revolver was stained with blood."

Robert Reese also testified, but by this time he had put aside thoughts of divorce and treated the matter very lightly. He said that their "marriage" had been contracted for fun. "We did not intend it to be real, and we were never serious, as I knew Nellie did not care for me," he said. "I never lived with Nellie, nor considered her my wife. It was only a sham and done to spite other parties who were jealous of me."

Wesley Vetter, one of the herders, testified that he had worked for Bothamley briefly in November 1882, and then from May 1883 until his death. Vetter said that he had once seen the Englishman put a gun to his head when he was suffering agonies from rheumatic pains, but that Nellie Bailey had snatched it away from him. Bothamley had been angry and had told her, "Give me that pistol and I'll kill myself!"

Nellie's testimony on her own behalf clinched the jury's decision. She undoubtedly used her brief acting experience to advantage, crying, shouting accusations which could not be countered or just sitting looking crestfallen. She claimed that Deputy United States Marshal Cash Hollister had promised Caldwell's Assistant Marshal Ben Wheeler $50 to give false testimony against her. Both men were dead so it could not be refuted. She claimed that she had lent Bothamley money for the purchase of the sheep and that he had signed over his property to her as surety for the loan.

Then Defense Attorney Stanley came up with his number one question. "Did you kill Clement Bothamley?" he asked her point-blank.

"Kill him?" Nellie moaned softly. "Kill the man I loved, the man I gave everything I possessed . . . kill Clement . . . Oh, God, no . . . no . . . no!"

Nellie broke into sobs and was unable to continue her testimony for some minutes.

The defense wind-up was a good old-fashioned tear-jerker and whatever the prosecution could say had little impact on the jury. Their minds were already made up. It took them just fifteen minutes to find Nellie Bailey not guilty.

She threw a celebration party that night, and the following morning took a train to Kansas City. There she told her story to a woman writer who published it in book form. Proceeds from the sale—and it ran into several editions, so great was the public interest in the case—paid Nellie's bills and gave her some cash to spare.

She later married and was still living in 1933.

An Elusive Bandit

(Continued from page 19)

crossing the swift-running current of muddy water. Later the sheriff located a farmer who owned a rowboat and persuaded him to ferry them across. It was necessary to make three trips as the boat was too small to carry more than the farmer, one passenger and a saddle. They swam their horses alongside.

At sundown the weary men rode tired horses up to my father's O Half Circle Ranch for food and rest. It was located about forty miles south of Coleman. At that time the bandits were breaking camp in the Brady Mountains only five miles away. Guy Mealer, Dad's foreman, had some interesting information for the sheriff.

"I was out early this morning along the fence line to see if the rain had washed out any of the water gaps in the creeks," he said. "I found tracks of four horses that had crossed over the north fence line. There are fellers in the country that ain't above pickin' up somebody else's horses or cattle so I followed. The trail led straight as a crow flies to the south fence. I saw four riders topping a hill about a mile ahead of me. I took it that they was just a bunch of drifters who had either got lost or were trying to make a short-cut."

Mealer offered to furnish fresh horses for the posse and accompany them if they cared to push on that night but Sheriff Knox declined.

"I think we'll use other means to capture them," the sheriff replied.

While Knox was on the trial, Sheriff McConnell in Sonora was checking with the Hagerland General Store. A clerk remembered selling dynamite and caps and fuse to a young man, and gave his description. Also a cowboy who had been riding into town the day the dynamite was purchased told the sheriff that he had met Newman and Keaton on a road that led to the John Keaton ranch. McConnell immediately telephoned "Rome" Shield in San Angelo.

"Let's go get them, Perry," Shield said. "I'll bring a deputy and you bring one. That'll be enough."

McConnell agreed, and the lawmen rendezvoused twenty miles northeast of Sonora. They were out early next morning and soon cut a fresh trail made by four horses. However it didn't lead to the John Keaton ranch as they had expected but to the Widow Taylor's ranch nearby.

Keeping concealed as they drew closer, they detected a tent hidden in a grove of trees about a quarter-of-a-mile across the canyon from the ranch house. Four hobbled horses with dry sweat caked over their bodies and with raw saddle galls on their backs grazed near the tent.

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—Joseph Conrad

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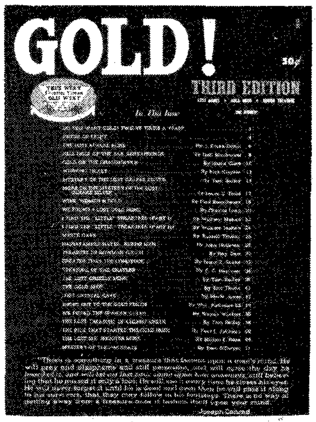

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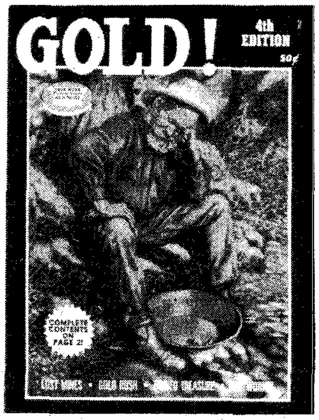

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AFTER the bandits had cooked their breakfast on an open fire in front of the tent Bill Taylor walked across the canyon to his mother's house to shave and get a change of clothes. He was on his way to a waterhole for a bath when apprehended by Shield. McConnell, who was some distance away, saw the action and shouted, "Let him go! He lives here! Go to the tent!"

McConnell's shouts alerted the others and Bud Newman broke out the back way. As he was climbing through an old rail fence Rome Shield shouted for him to halt, then fired when Newman refused to obey. The bullet tore into a rail near Newman's face, showering him with splinters, and he stumbled toward the sheriff with his hands raised. As he was doing so Jeff Taylor ran from the tent and surrendered to McConnell. Pierce Keaton was found on a cot inside the tent, his leg swollen to twice its normal size.

"Did you search for Bill Taylor afterward?" a member of the Coleman County grand jury asked Rome Shield at the hearing.

"Yes, but we never got a smell."

Neither Pierce Keaton nor Jeff Taylor had ever been in serious trouble before. They had been caught and were ready to pay for their crimes. But Bud Newman tried to make a deal. He led officers to the camp in the Brady Mountains and produced Pierce Keaton's boot from a cluster of bushes where Bill Taylor had hidden it after cutting it from the wounded boy's foot.

"If you'll let me out of jail," he promised the sheriff, "I'll bring you face to face with Bill Taylor." A dummy bond was rigged up and he was released from jail.

"I got out of jail on bond," Newman informed Bill Taylor when he located him in the Llano River country. "I talked to a lawyer who said he could get us off scot-free for a thousand dollars."

"Where can we get a thousand dollars?" Bill asked dubiously.

"We can stick up a train down on the Southern Pacific."

"I don't want any more train robbing," Bill demurred. "I've had a belly full of it."

"It's for the other boys. We owe that much to them."

"All right," Bill agreed reluctantly. I'll take one more chance."

They selected the small town of Dryden where all pasenger trains stopped to take water. The night before the hold-up Newman rode away from camp "to kill a deer so we'll have fresh meat while hiding out." Instead, he rode to the Dryden station and guided the sheriff and his deputy to the camp. The officers took Bill Taylor completely by surprise and arrested him.

IN Coleman, District Judge J. O. Woodward convened a special term of court to dispose of the case. My father was a member of the grand jury. The men were charged with the death of train fireman Lee Johnson, along with attempted armed robbery. Both Jeff Taylor and Pierce Keaton entered pleas of guilty and were sentenced to life terms in the state penitentiary.

Courtesy Miss Lucile Knox, Fort Worth

Sheriff Thad Knox in his later years.

"When Bud left jail I smelled a mouse." Pierce Keaton was quoted. "And when I met my boot in the courtroom I knowed for sure there was a traitor in camp. Me and Jeff decided to take our medicine."

With Bill Taylor lodged in jail, Sheriff Knox announced that the case was all wrapped up. Bud Newman's part in the play was no longer a secret. He still retained his freedom with the understanding that he would appear and testify against Bill Taylor at the regular term of court in November.

But less than two weeks later Bill Taylor cut his way through the bars of the jail with a hacksaw he had secured in some unknown manner. He took another inmate with him. Unfortunately for them, they aroused jailer Ben Clark as they dropped from the second story window on their rope of bed blankets. Clark sent two shots after the fleeing pair, then got on the telephone to call Sheriff Knox.

Knox immediately saddled a horse and headed toward town from his home a mile away. As he rode down the creek bed he saw two forms moving toward him in the moonlight. He sat quietly on his horse and let the escaping prisoners walk into his arms.

Jails weren't built to hold Bill Taylor. When he broke out a few days later he appropriated two fine dun horses belonging to a farmer named Bailey. "When I rode away from Coleman that night I was headed for Mexico," Taylor later admitted, "but on the way I had some business with Bud Newman."

Bill Taylor was not the only angry man around. Sheriff Knox was greatly peeved also. Through the fine tuning of his political ear, he could hear rumblings of discontent from the electorate. His constituency could see no good in freeing one outlaw in order to catch another and then letting that one get away. For lack of an alternative he decided to gamble on Bud Newman again.

"I'll get him," Newman promised as the sheriff tendered him a pair of handcuffs. I'll bring these cuffs back to you in less than a month on Bill Taylor's wrists—dead or alive." Thus, within a few short months the leader of a hold-up gang had become a bona fide bounty hunter with a badge pinned to his vest!

This deal seemed to satisfy all parties concerned. A prospective reward fascinated Bud Newman, the sheriff was glad to get help, and when Bill Taylor heard of the arrangements through his network of friends he, too, was greatly pleased.

NEWMAN soon appeared in the Llano River country, talking to everyone he saw about everything except his real mission. He did not fool many people, though, so Bill Taylor decided to make himself easy to find. Word was passed around that he had been hiding on a flat-topped mountain but was planning to leave for Mexico. Newman took the bait.

Taylor ascended the mountain in mid-afternoon, tied his horse in a brush thicket some distance from the trail and started back. As he crossed an open glade he saw Newman with an upraised rifle. The traitor had arrived before he had! Before Taylor could raise his own gun, Newman fired. The bullet struck Taylor in the right side and knocked him down. As he fell he accidentally discharged his gun; before he could throw another shell into the barrel, Newman fired a second time, cutting dirt from under him. Taylor raised to one knee, took aim and squeezed the trigger.

"When I got a bead on him through the sights of my Winchester—I knew that he was my meat," Bill said. The bullet passed through Newman's body but he went out trying to fight. As he fell from his horse he jerked his six-shooter and emptied it. It was his last act in life.

Taylor's wounds were not as serious as first thought and he recovered quickly. Sheriff McConnell and Sutton County had first legal right to hold and prosecute him for the murder of Bud Newman but McConnell willingly surrendered him to Sheriff Knox.

"I couldn't convict him in this county with a dozen tries," McConnell said.

This time Taylor was placed in an escape-proof jail in Brownwood, thirty miles east of Coleman. There he was a model prisoner until he regained enough strength to be in good traveling form. Then he departed the Brownwood jail one stormy night, leaving a gaping hole in the bars behind him.

There are many stories as to the ultimate fate of Bill Taylor. It is thought he joined Madero's revolutionary forces as a mercenary and later served in the army of Pancho Villa. One story has it that he managed to accumulate enough money to return to the States and live in comfort under an assumed name until his death. Another version—the most likely—says he was killed in one of the battles.

His brother Jeff died in prison. After serving twenty years Pierce Keaton was granted a pardon. He moved to Arizona where he died nearly forty years ago. The fate of Bud Newman has been told. The three sheriffs, the railroad special agent, the district judge, the members of the grand jury who indicted the bandits and the trial jury that decided their fate have long since gone to their reward. Bill Taylor is the only one without a death certificate or an epitaph.

1867 Apache Raid

(Continued from page 34)

down teepees, and trampled under the horses' hoofs the prized baskets and pottery of the Indian households upon which the women had lavished much work both in construction and decoration. Many of the teepees were burned. It was an easy victory for the soldiers but had the Apaches not suffered from the element of surprise, and had they not been drinking, the outcome would probably have been different. There was an abundance of cover such as the Apaches prefer if they give battle, and they are formidable when cornered.

Some of Father's cattle were recovered but they had been driven so hard that it was out of the question to take them back to the ranch immediately. No one in the party, not even Father, knew where to find springs or waterholes, and cattle could not travel nearly so fast as horses.

Some Indian ponies were captured; among them was a little black mule the Indians had taken from us as we made the trip to New Mexico and were attacked by Apaches at Black River.

Casualties among the detachment of soldiers were few and of minor importance. Lieutenant Yeaton received a severe wound, perhaps the worst suffered in the encounter. During the fighting he and Father were side by side. Upon seeing old La Paz take deliberate aim at the young officer Father quickly reined up his horse and shouted a warning to the young lieutenant. It came too late, for La Paz fired and his bullet struck Yeaton in the hand, passing through it and entering his side. Father shot at La Paz and his bullet struck the old chief's leg and went on into the side of his mount. The Indian jumped from the horse, hid in the bushes, and got away. But Father got the horse, a fine large bronco, and brought him back to the ranch.

OLD SORREL, as we called him, was such a remarkable animal that he made a fine mount. He had been the favorite war horse of La Paz, or so we were told by the boy Father rescued later.

Old Sorrel had been well trained by the Indians. If one attempted to drive him he would break back and run past, kicking both his hind feet. If not disposed at the moment to do that, he would run at a person and try to bite him. We children were always afraid of him and if ordered to drive him up we would take either the longest whip on the place or a supply of rocks with which to pelt this temperamental piece of horseflesh.

He would sit back on any rope with which he was tied, and usually succeed in breaking it. Then, of course, he would run away. He hated a fence. Sometimes my brothers, Will and Add, would hobble and sideline him, give him a big feed, and say, "I'll bet you don't get away now." But Old Sorrel would always beat them at their own game. He would hobble as close to the rail fence as he could get, make a jump, and break it down.

Later we had another Indian scare and we took refuge in the mill. Knowing Old Sorrel's peculiarities the men got the strongest rope on the place, doubled it, and tied him. They felt sure he could not get loose but during the night we were awakened by the noise he was making playing ball with a stone. When we lit a candle we discovered that he was loose. He had broken the ropes by his master trick—sitting back on them. Then he had torn open several sacks of graham flour and eaten all he could. He played with the sacks; he tore open several and scattered their contents on the granary floor. He was so nearly foundered that the men worked all night to save him.

When he recovered Father drilled a hole through the adobe wall of the mill and ran a chain through it. One end he made fast on the outside and the other he put around Old Sorrel's neck and fastened it with a padlock. By this means we managed to keep him in the mill when we had to make it a place of refuge for ourselves and the horses.

We took Old Sorrel to Texas with us and there he died of old age.

Letter Rip!

(Continued from page 4)

spent thirteen months there while he was away and I explored many of the old caves and hideouts of the outlaws (as they are referred to thereabouts) and really relived the old times.—Mrs. Gary Cooper, 1117½ Pacific, Bremerton, Washington 98310

Fear of Indians

When a young boy, my father moved with his parents to a stone house near Glen Elder, Kansas. His mother had heard of the time one lone man had prevented an Indian raid in Glen Elder, and she was very much afraid of Indians.

Grandfather had the Indians as his friends and was surprised one day when he came home to find his wife and son barricaded in the house. My grandmother explained she was in the yard and saw some Indians coming toward the house. She grabbed her son's hand and ran into the house. They used furniture across the rooms to barricade the doors. The Indians tried to force the door but soon found it too well barred for an entry.

When my grandfather saw this Indian he asked him what he meant by scaring his wife and child like he did. The Indian laughed and said, "Oh, we just wanted something to eat. We didn't know it was our friend's house."

My grandmother never overcame her fear of Indians and she instilled it into me when I was young. I am seventy-three years now and overcame my fear years ago.—Mrs. Edith Morris, 3714 Park Blvd., San Diego, California 92103

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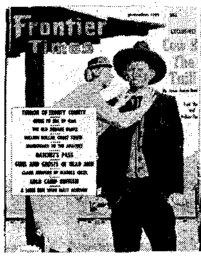
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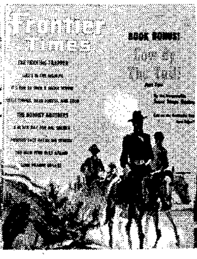
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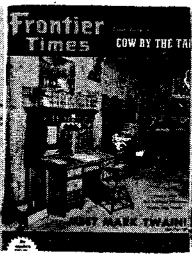
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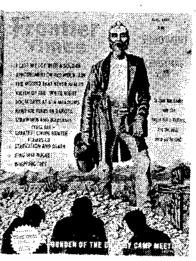
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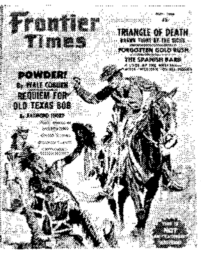
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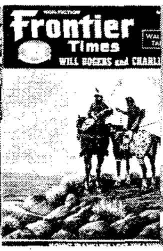
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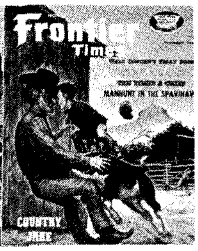
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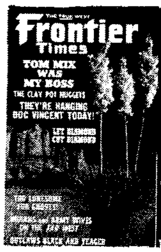
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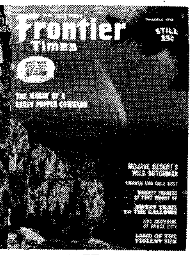
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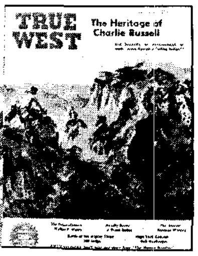
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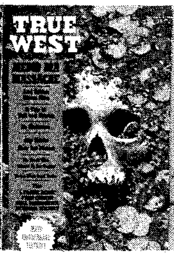

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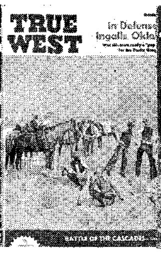

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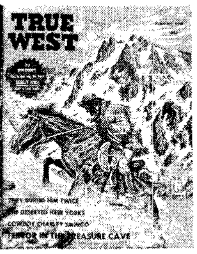

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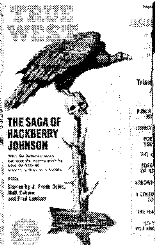
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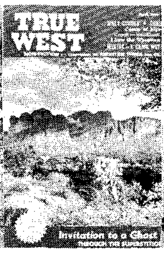
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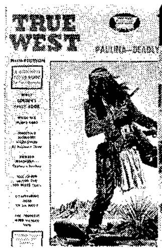

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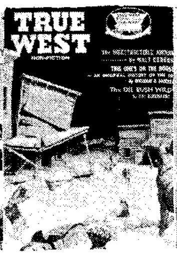

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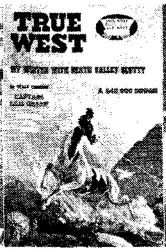

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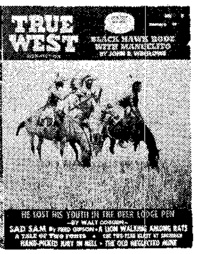

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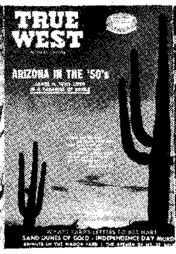
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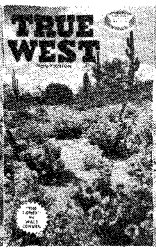

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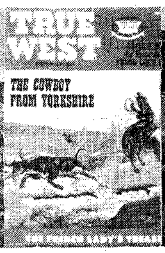
TRUE WEST
THE COWBOY FROM YORKSHIRE
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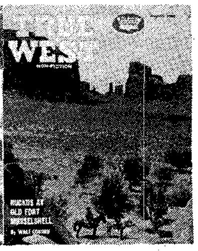

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Dishonoring Arizona's Heroes

(Continued from page 16)

ONE of the worst destructions of solitary graves that I have encountered is that of Mexican Joe Jerez. This fabulous man and most unusual character of early-day Arizona, discovered the first gold prospect leading to the establishment of all the mines at Goldroads and Oatman. From them was taken a few hundred millions in gold. When he died, Jerez was buried on a hill overlooking the open desert country which he so loved and across which he had plodded most of his life. His grave was enclosed by an ornamental iron fence erected by the partner who grubstaked him, Mojave County Sheriff Henry Lovin.

In 1928 my mother made a snapshot of Jerez's grave. It was intact. Today even the site cannot be found. The iron fence is gone, so are Jerez's bones and whatever else was buried with him.

The *camposantos* of Spanish and Mexican times which lined the transcontinental railroads have come in for almost complete devastation.

Canyon Diablo, in north central Arizona, once had thirty-two marked graves. Only one can be located today—the grave of the first Navajo Indian trader in the area, Herman Wolf (1868). It exists because of a rock wall and a pipe fence embedded in cement, but the granite tombstone has been partly chipped away. The other graves in this canyon, dating from 1880, were rock mounded and marked. Many had wooden picket fences around them. Gradually the fences and markers were carried away. Vandals dug into the graves but some were refilled. Those left open were wind-filled in time to the flat level.

In 1916 "Dutch May" Prescot, her small dog, and a paramour of the moment were murdered in Flagstaff. She was buried in the pioneer cemetery on Franklin Avenue. Dutch May was a madam and reputed to be wealthy. One of her admirers had presented her with two diamond rings valued at $1,500 each. The man who handled her estate opened her bank safety deposit box but found neither diamond ring.

The word spread around that the rings had been buried with her. This was true, and the rings were soon removed from her death-withered fingers by grave robbers.

Before the Franklin Street graves were removed by the city many of them had been dug out. Tombstones were torn down and broken. Human bones and parts of caskets were lying on the surface. Even the old type zinc boxes were thrown carelessly to one side.

Recently Deputy Sheriff Dave Rider at Fredonia on the Arizona-Utah border reported an unusual circumstance of grave robbery. I was interested, and he took me east along the plateau rim off U.S. Highway 89. We had to climb down to the burial site which turned out to be a natural tomb in the rocks.

The opening into the underground vault of about eight by ten feet was entered through a narrow hole. It was originally covered by a large piece of red flagstone which had to have been brought a considerable distance because none like it exists in the area. The violators of this natural tomb had placed a ten-gallon metal drum below the opening in order to get in and out.

In this tomb had been deposited the bodies of three men and a woman with a baby. From it was known to have been taken three brass kettles, three saddle trees (the leather covering having long rotted off), several knives, metal hatchets, five old rifles, two cap and ball revolvers, one copper pot, two silver ornamented belts of old Spanish workmanship, silver ornamented bridle headstalls and a number of miscellaneous objects. For at least a year these objects were stored in a Fredonia man's garage and shown to all who came around to see them. Neither he nor the people of the town who saw the relics and the tomb were sure whether those interred there were early-day settlers or Indians because someone else had come along and removed all the skulls and most adult bones.

What remained were fragments of blankets of the old trade-type common to fur trappers and Utah settlers. They were pieces of cloth from cotton and wool blankets. There was also handwoven cotton cloth which had been doubled to make *morrals* used for feeding horses and mules.

Here the evidence is indicative of very old age because such *morrals* were made before jute was used in the United States for grain sacks. Prior to that time and occasionally since, canvas and skin bags were commonly employed for the same purpose. Evidence inside the tomb revealed that all five bodies had been placed around the stone wall base. The baby had been held by the woman, presumably the mother.

The Mormon settlers of Utah, beginning with 1846, supplied the Ute Indians with all of the listed items. The burial, therefore, could have been that of some chief. In this connection it must be remembered that at least one slave and maybe more, depending on the importance of the individual, were killed and interred with a chieftain when he was put away.

This tomb could well have contained the remains of the most famous of all Utes, the bloody Walkara who was called "Walker" by white men. After his death, about which there are a number of legends, he was buried in some secret place unknown even to Mormon settlers. On the other hand, the tomb could have contained the remains of immigrants, but certainly not of southern Utah settlers. Had the latter been entombed, that spot would have been well marked. I am convinced the dead were non-Mormon immigrants or Indians.

BRIGHAM CITY was established on the Little Colorado River, near present Winslow, in 1876. At one time twenty graves of the long vanished settlement were plainly marked. None has existed since 1937, having been dug out and destroyed.

The graves at Sunset City, its contemporary settlement, remain because former settlers fenced the plot where adults and children were buried before 1885.

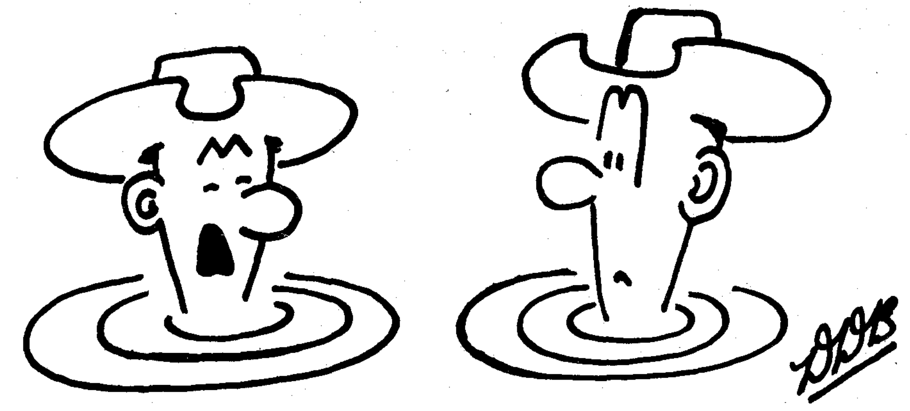
At Galeyville and Charleston in southern Arizona, graves which lay along the streams in easily excavated sand have all been dug out with shovels by vandals. Some of the marked and *official* graveyards have also been molested.

The most remunerative gravesites are those of famous headmen, "chiefs" or important old Navajos on the Navajo Indian Reservation. The oldest graves are easily found, each site being littered by the bones of horses killed, rotted saddles, cooking utensils and often a six-gun or a couple of rifles. Buried with the deceased was his silver and turquoise jewelry.

There are several cases known to me in which sacks of this jewelry, necklaces and silver headstalls, were buried with their rich Navajo owners. A few of the caches, even by prices fifty years ago, exceeded $10,000 in value. Today this same antique jewelry would have appreciated to several times that figure.

Ghouls are always trying to find out the location of such burials. Unable to obtain information from people who were entrusted with the long-ago secret, they rove the reservation in search of surface evidence of graves.

Fortunately, the Navajo country is now so thickly inhabited that it would be extremely risky to be caught molesting a burial site. Indeed it would probably mean death on the spot.



"I had a brother who was caught in quicksand back in . . ."

Only two instances are known to me where Indian graves were dug out for the treasure in them. One was near Tonalea (Redlake), the grave of Yellow Horse. The jewelry buried with him was actually put on the market, resulting in the trader's being driven from the reservation in fear of his life.

The second was that of the medicine man Windsinger, buried north of Pine Springs, a trading post which I managed back in 1921. He was buried with two seamless sacks of jewelry, including five silver headstalls and fifteen concho belts. I helped dig the grave and put Windsinger away because of a former association with him at Houck trading post when he held a Yeibetchai there.

Six months after his burial, tribal policeman Frank Walker came over from the Fort Defiance Agency. A report had been received that someone had excavated Windsinger's grave.

Since I knew where it was (in the sandhill cedars), we went there. Sure enough, the grave had been robbed. The footprints of three people were still identifiable and were, by size and stride, those of white men. All three were subsequently identified. One was an Indian trader near Gallup, New Mexico. How they managed to learn the exact location of Windsinger's grave is a mystery to me to this day.

The trader sold the antique bracelets, necklaces, gatos, concho belts, bride headstalls (of silver), rings, hat bands and other silver and turquoise jewelry for $22,000. He himself told me this figure and also told me who bought the relics from him.

Today the remaining graves of Arizona's heroic dead—especially in the remote areas—are in extreme danger. All of them had something to do with history, and largely pioneered Arizona from a territory into a state.

One of the unrecorded and most famous is that of Andres Moreno. He was murdered on the Mogollon Rim near Baker Butte on July 16, 1887. A member of Company E, First Battalion, Arizona Volunteer Infantry, his was a most remarkable record of a hero supreme in 1865-1866. His grave is marked by a white tombstone and a pile of rocks in the Coconino National Forest. I would not be surprised any day to learn that some ghoul has dug out his final resting place and scattered his bones on the ground for a couple of buttons!

Cowboys from Voca

(Continued from page 31)

By then Locklear had more unbroken colts so he hired Otis Henry, local broncstomper, to break them. Ed, learning that Satan was in the bunch, rode over to see the show.

He found Otis standing in the middle of the corral eyeing a thoroughbred-looking bay just over 14 hands high, with the point of his right hip knocked off. Satan! Ed couldn't believe this perfection of horseflesh was the ball of hair he had ridden the year before.

No matter at what angle Otis approached Satan, the horse kicked him away. And this fact was causing Otis plenty of head-scratching; how in the thunder was he going to break a horse he couldn't even get on!

"What'll you give me for that horse?" Locklear asked Ed.

"I wouldn't give a plugged nickel for him," Ed declared.

"Well then, could I just give him to you?"

He could, so Ed led Satan home.

Here Ed Spiller broke into Wayne's story. "That Satan," he said, shaking his head, "he was mean to shoe, meaner to saddle and a devil to ride. One time when I had to pull his shoes, he kicked so hard he flung one shoe against the barn where it hit like a bullet. If his legs touched, he kicked; even when a light breeze riffled his tail hairs he kicked like the very devil was in him.

"I finally gave him away but it didn't help for he was given right back to me. I gave him to E. O. Henderson the second time, and Henderson gave him to Sam Williams. I lost track of him after that." Again Ed shook his head. "A shame," he declared, "because that horse could do anything a good cowboy could want a horse to do."

Ed watched me jot down these notes, then he began to sidetrack. "Now don't go making me look like a broncbuster," he cautioned, "for everybody knows I wasn't." Then he forgot himself and thought of another story:

"Jaimie Brooks hired me to break twelve young horses, and I hired Lewis Monica to help. We rode them about three times each, and every time we'd see a bunch of neighbor boys hanging around watching. We decided we'd give them something better to do so we saddled the gentlest horses and put those boys on them. The worst ones we rode ourselves. We gave them a thirteen-mile trip every day, and before you could say 'scat' we had the whole bunch gentled to ride.

"Jaimie Brooks couldn't believe it. 'Well,' I told him, 'I reckon we'll just have to grease the bunch and turn them out'." He laughed. "Guess Jaimie Brooks always wondered how we gentled those horses so fast."

So Ed Spiller's gosling trick worked again.

Ed and his cousin George were partners in a 1,000-acre ranch north of Voca and the San Saba River and near the foot of the Brady Mountains. At that time Ed's father, Wade, owned a store at Voca. George traded his share of the ranch for Wade's store. But that was one time that Ed couldn't go partners with George. Corralling a bunch of customers in a mercantile establishment didn't appeal to Ed even if folks did say that store carried everything from "pins to plows with burial caskets on the side."

Perhaps nearest to Ed were his cousins George and Bud Spiller. Other cowboy buddies were Mose Locklear, Charlie Deans, Cuter Worrell, Sam Roberts and the Banta brothers. And for roping pals there were the Polk brothers, Ned and Jack (Pascal), who lived eight miles south, down the road leading from Voca and over in Mason County.

For several years Sam Roberts, Bud

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Spiller and Mose Locklear rode broncs for the L. O. Hillman Wild West Show. Jerry Armstrong who writes for *Western Horseman* makes reference in his May, 1969 column "Picked Up In the Rodeo Arena" to Mose Locklear, Sam Roberts and Bud Spiller through a quote from eighty-year-old Tex McLeod, a one-time bronc rider himself:

"We used to have some lively times at San Saba [Texas]. San Saba was the setting for a lot of early bucking horse riding contests and matches. Bud Spiller (Voca), Sam Roberts (Llano), and Mose Locklear (Brady), all in their prime then, were really great bronc riders. I have since those days seen a lot of great bronc riders, not only in the United States and Canada but also over in Australia. But I have never seen any better bronc riders than those three musketeers: Spiller, Roberts and Locklear."

Mose Locklear, a powerful man, never owned a pair of spurs which he did not bend or break. Eventually he would beat up even heavy spurs specially made for him.

But Bud Spiller was the fancy rider. Astride a horse, his rhythm and balance was a thing of beauty. And during the time he and Mose Locklear rode for the Hillman Wild West Show they perfected a trick of throwing a horse falling over backward on its side thus enabling them to remain seated in their saddles.

The Hillman Show had a big sorrel named Funeral Wagon who had a habit of falling backward to dislodge his rider. It was while riding Funeral Wagon that both Mose and Bud perfected this trick, a feat almost as unheard of then as now.

Once a stranger came through Voca. He had a horse which he declared nobody could ride because he had a trick. Bud Spiller sized up this bad horse and immediately decided the trick was falling backward. When the stranger offered a purse for anybody who could ride the horse, Bud took him up.

Bud told the stranger, "Your horse may fall but when he gets up he'll still have his pack on his back."

Bud mounted; the horse fell; but Bud kept his seat. And when the animal finally got to its feet, Bud still was in the saddle. "And the pack was still on the outlaw's back," Ed said.

HILLMAN played up Bud Spiller as a bronc rider who could ride anything that wore hair. Bud told Jack Polk that once when a rival show brought out a zebra for him to ride he almost lost his reputation. "That zebra was so round and slick," Bud said, "that I couldn't keep my saddle cinched, and I simply couldn't get my spurs hooked in his sides. And every time he jumped, he kicked me on both heels."

There was one time, though, that Bud Spiller did lose his reputation in the Hillman Show—only the crowd of onlookers never knew it. While riding a tough bronc, Bud was thrown completely over the horse's head, out of the arena and into the grandstand where he landed on his feet. Rocking on his boot heels, Bud swept off his Stetson and bowed low to the crowd with true showmanship. His audience loved it. They thought it was a part of the show.

The Banta boys—Jim, Von, Ance and Ace—were pretty tough cowboys. They were big men and powerful but their riding abilities exceeded even their size.

Once at a rodeo in New Mexico Von Banta was sitting in the grandstand, for one time an onlooker instead of a rider. Von really had dressed for the occasion—pegleg trousers, fancy shirt, and beautifully polished low-quarter shoes. The day was perfect; the band was playing a lively two-step and Von Banta was at peace with the world. Then somebody led an outlaw horse into the arena.

Over the megaphone the announcer described the dangerous tricks of the horse and offered a purse to anyone who would ride him. Nobody took up the offer. The band kept on with its lively two-step. Von looked down at his fancy attire then out at the horse. Suddenly he got up and strode down the rows of seats. Crossing the dusty arena, he mounted the outlaw horse and rode him—sans boots and spurs.

Jim Banta, Von Banta, and Ed Spiller. Picture was taken the morning after a ride to a dance 35 miles away in Mayfield, New Mexico.

Although a big man like his brother, Jim Banta had unusually small feet. Few horses ever threw Jim and when they did, invariably he landed on his feet. A traveling show came through Brady advertising Rocky Lou, a black, baldfaced mare extremely dangerous to ride. For some reason Jim Banta was not wearing his boots and spurs, yet he wanted to try Rocky Lou. Borrowing a pair of boots much too large, Jim climbed aboard the mare. Rocky Lou promptly threw Jim over his head. True to his custom, Jim landed on his feet—that is, his sock feet; the boots and spurs had stayed in the stirrups!

John Miller brought his Little Wild West Show to Voca. Miller knew those Voca riders but he figured he had a new horse in his show which even they couldn't ride.

The horse was Old Dump, described by Cliff Scott of Llano as a mean bucker that damn few bronc busters ever rode." Ed Campbell had bought the short, heavyset blood bay in New Mexico, brought him to his ranch near Voca and hired Mose Locklear to break him along with 59 other 3-and-4-year-olds.

Mose broke them but Old Dump got crippled so Campbell turned him out for a few months. Later neither he nor his cowboys could ride him so Campbell sold the horse to John Miller.

That day at Voca, Miller called for riders and offered a $100 purse to the man who could ride Old Dump. Ace Banta took him up. When Ace got Old Dump saddled, he swept off his Stetson and proclaimed to the crowd: "Here's to the horse that's never been rode; also the rider that's never been throwed. And here's where we're going to have hell."

With that, Ace climbed on Old Dump. When the horse jumped his highest, Ace would jump still higher in the saddle and kick his heels together behind the cantle. After it was over, Ace asked Miller if he thought Old Dump had been ridden. Miller thought he had.

ALTHOUGH a cowboy of the old school, the story which Charlie Deans loved to tell about himself had no connection with riding. Charlie Kothmann of Mason had leased the Bryson Ranch on Brady Creek in McCulloch County. He was winter feeding his cattle there on cottonseed which he was having hauled from Mason County. At Voca, Charlie Deans joined these dozen or so farmers from Mason. Now these Mason wagoners were all German farmers who still spoke their native tongue. Of course, Charlie Deans couldn't understand a word these Germans spoke. He endured German clatter all day and all through supper; but when they bedded down in a barn for the night and the German broke out again, Charlie had had it. Slipping his .45 from under his pillow, Charlie shot several times through the barn roof. He declared that after that, the silence was thick enough to slice.

Ed Spiller's cousin, Newton Worrell, known to his acquaintances as Cuter, did a lot of traveling, most of it on horseback. He claimed to have ridden more

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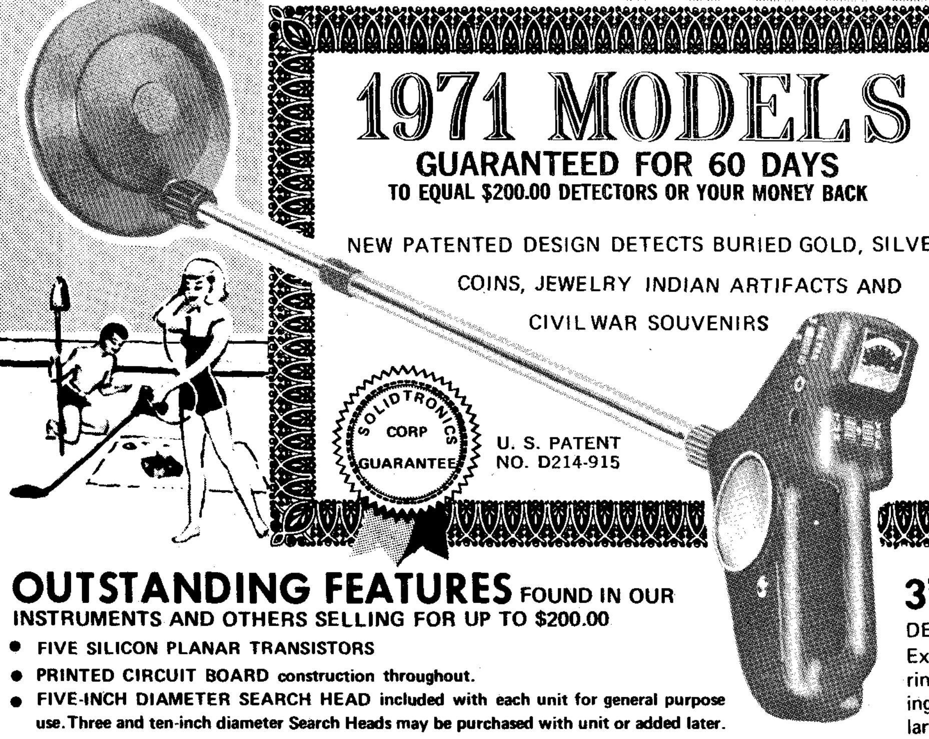

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miles horseback than any other man living. He was a natural born horseman and another cowboy of the old school. He spent much of his life as an itinerant cowboy in Arizona.

He never married and Ed asked why. "Well," Cuter said, "one time I did advertise for a wife. Got about a thousand letters from husbands wanting to give me theirs. Never did advertise again."

Cuter once left horseback from Voca en route to Arizona. Midway of that state he found himself without money. He was hungry and as he rode along he came to a camp meeting in progress. Cuter rode up and introduced himself as Brother Worrell, a preacher. The good people were delighted and fed him a sumptuous meal. Then they asked Brother Worrell to preach and took up a collection for him after his sermon. When he got back to Voca, Cuter told his cousin Ed all about it. "Didn't get but six bits," Cuter said.

"Well, Cuter," Ed replied, "that was damn pore pay."

"Yes, it was," Cuter answered, "but it was damn pore preach."

IN THE early part of 1900s the Texas town of Llano held a three-day roping. Some fifty top ropers from over the state entered. Among them were the three Spiller boys, Ed, George and Bud, from McCulloch County. Along with the Spiller boys rode the two Polk brothers from Mason, Ned and Jack.

Having received a bad wire cut, Ed's Yellowcat was unable to go, so the Spillers took what they called the Old Blue Mare and Wayne's Old Paint. According to Wayne, the Blue Mare was only fairly good for roping goats, and Old Paint wasn't too hot at anything.

On the opening day, Jack Polk was the first roper of the five to come out of the chute. He roped and tied his goat in 9 seconds. One of the Spillers followed with a 10-second win, then another with a score of 11 seconds. So it went, those first two days, with the five winning everything except first prize for steer break-away which was won by Rube Williams of Llano with Jack Polk winning second.

After that, the other contestants refused to rope goats with the Spillers and the Polks. "We used a 22-foot rope," Jack Polk said. "Figured the horse could outrun us."

With nothing offered for the third day except calf roping the Polk boys rode back to Mason. They didn't consider themselves calf ropers. George Spiller wanted to go home, too, but Ed and Bud talked him into staying. Early that third day, before the contest began, the Spillers turned out what they thought was the worst calf and roped it right off. They stayed and won every purse.

They roped at Christoval; they won at Comanche; at Belton and San Saba; at Brady, Mason, Voca and Fredonia. Sometimes they brought their winnings home; other times they spent it on more roping horses.

When the 101 Wild West Show came to Brady around 1910, they went to see what that show had for ropers and riders. Bud Spiller was elated to learn that one of their top riders was Bud's old pupil in the school of bronc busting.

"I remember how it rained when that show came to Brady," Ed Spiller recalled. "Mud was knee deep. The arena was on the north side of the Brady Creek, at what they called the Fairgrounds, so named because it was there folks brought their big steers and milch cows to be fairgrounded."

Fairgrounding was an art employed by riders who roped the big steers and cows, catching them by their horns then riding by and bringing the rope around their rumps until the animals were thrown for doctoring or necessary handling.

"I never was good at remembering people's faces," Ed Spiller said, "but let me in a herd of cattle for a while, then let one old cow get away and I can tell you how she looks."

Wayne, who does not profess to be a cowboy but who describes himself wryly as "choreboy for the Spiller ranch," vouches for the fact that in a familiar herd of some 200 cows his father can describe any cow that turns up missing.

"I know horses, too," Ed Spiller reminded me. "If there's anything I do know, it's horses. And what grieves me is that I can't give what I know to some boy. When I go, I reckon it will just have to go with me. In the language of old-time cowboys 'This is the end of the rope.'"

Draw it Tighter, Marshal!

(Continued from page 13)

as citizens of Dakota Territory, desiring law and order & punishment of crime, think it prudent and right to ask for executive clemency in this case, which will bring the penalty short of the death penalty."

To support the Governor's petition, Beadle and Shannon addressed one of their own, signed by a number of local business and professional men among whom was D.C. Nagle, Speaker of the House of Representatives. Referring briefly to the fact that they had been assigned by the Court to defend McCall, who was unable to pay, they said he was twenty-four and gave his birthplace as New Orleans. According to this petition McCall had been a hunter and miner and never been convicted of any crime. To support their plea of clemency, the following reasons were put forward:

1. Having more intimate relations with the prisoner as his Counsel, we have on our honor and under our oaths the most serious doubts of the guilt of the accused. That he killed the deceased we have no doubt but that he *murdered* him we do not believe.

2. In the closest professional communication with the prisoner, he has never been able (or if able has utterly failed to do it) to tell us of an act or an incident connected with the killing or to assign a motive for it.

3. All of the facts as detailed by the evidence fail to show any object of revenge—any hatred or ill-will. Both parties had been drinking and gambling together; but no quarrel had ensued. The time and place & circumstances forbid any natural conclusion that money was the motive. The acts of the accused immediately after the shooting, admit readily, in our judgement, of the conclusion that he was either crazy drunk or had sym[p]toms of *delerium tremens.*

4. The prisoner was perhaps unfortunate in having no money, & of course, had few friends. The Court on his petition allowed him a subpoena for two witnesses but no more. They could not be found by the time the deputy Marshal got back to the Black Hills, having gone as we were informed into a new section of the country over which there was an excitement at the time of new gold discoveries. By these two witnesses particularly we expected to prove the debauch of the prisoner before and at about the time of the homicide. Being without a witness he was of course without the means of putting in a palliating circumstance from his side of the case.

5. We have no word to utter about the deceased. We knew him only from reputation as 'Wild Bill' and propose that the grass that grows over his grave may be as green and beautiful as that of any other spot; but all of the surroundings call to mind an important consideration in this case for the mind of the executive that could not be entertained under th rigid rules of evidence by the Court jury; viz: It was a place where ther was no law, no order, no society, no refinement, no church, no school, no home for wayward and erring, no one to give advice nor wholesome counsel, no friend to take the youthful arm and take him aside when he would rush into the haunts of saloon hells for the firey [sic] whiskey that made men made [sic], reeled their intellect and dethroned their reason. At such a moment, at such a time in such a place we find this youthful prisoner of twenty-four, the author of a homicide!

For these reasons and others that might be urged—without any appeal to feeling or sympathy; but to the mature judgement in the just appreciation of all the surroundings, and remembering that 'mercy shall rejoice against judgment,' we ask for the exercise of executive clemency, at least commuting the sentence.

SOON the judicial wheels in Washington started to turn. After reading the petitions the Department of Justice dispatched them, together with a covering letter, to William Pound on February 1 instructing him to contact Justice Shannon for his opinion. On February 7 William Pound dispatched his reply and at the same time provided an interesting insight into the contemporary view of both Hickok and McCall. Addressing his letter to the Hon. Alphonso Taft, the Attorney General, he wrote:

"Sir:

I am in receipt of your letter of the 1st instant, with inclosures, (which are herewith returned) relative to the commutation of the sentence of death in the case of John McCall *alias* Jack McCall.

"As directed in your letter, I have communicated, verbally, with Chief Justice Shannon, who presided at the trial with a view to obtaining such an expression of his opinion in the matter as he might be disposed to make, but he stated that he felt a delicacy about interferring in any way; this, I believe being his invariable course upon such occasions.

"The petition, although not numerously signed, contains the names of the Governor and two other Territorial officers, who were actuated as I learn, almost entirely by their dislike for capital punishment, and not by a knowledge of any extenuating circumstances in this case. None of them heard the testimony, or attended the trial so as to obtain a knowledge of the facts as detailed by witnesses. No single person who did hear the testimony, whether as a juror, officer or Court or spectator is found to join in the request. A majority of both the grand and petit jury panels live in this place, or within two or three miles of it, and this is true of eight of the petit jurors who tried McCall, notwithstanding the statement of Mr. Shannon in his letter that a *number* of them 'live 40 to 60 miles away over the prairie country.'

"I have never known a case where the interests of a prisoner were more carefully guarded by the Court than this one. Witnesses *were* sent for at the expense of the Government, where there were grave doubts as to their materiality, and the trial postponed nearly two months, and it was only after the Marshal made his return, and it was evident that no such witnesses as he desired could be obtained, that the trial proceeded. The prisoner was given the benefit of all doubtful questions raised during the trial, and upon taking the case to the Supreme Court of the Territory, the judgment of the District Court was unanimously affirmed by a full bench. Upon the question of drunkenness, which is urged in this petition as a main reason for the commutation of his sentence, the Court in its charge to the jury declared it their right and duty, if they had, from all the evidence, a reasonable doubt that the prisoner acted with a mind so clear and unclouded as to be able to form and execute a deliberate purpose, to convict of manslaughter only. So favorable, indeed, to the prisoner was the charge, throughout, that no exception was taken to it.

"The murder having been a deliberate assassination, of the most cowardly character, an effort seems to be made now again, as it was on the trial, to excuse or palliate the act by a reference to the peculiar conditions of society as then existed in the Black Hills. In the same connection, while conceding that this is scarcely an excuse for assassinating him, counsel finds it convenient to refer to the deceased as a 'notorious character,' and as one whose real name was only disclosed by the evidence. A reference to the indictment will show that both his real name and the *alias* of 'Wild Bill' were used in it. But the name 'Wild Bill' had been given to him and fastened upon him so that he was really better known by that than by any other, and without any discredit to himself. It is a part of the history of the war, that this man, by reason of his fearless and efficient service as a Union Scout among the guer[r]illas of Missouri, Arkansas and Eastern Kansas, and by his contests with these same guer[r]illas even after the war closed, when they so persistently pursued him, won this name of 'Wild Bill,' and he certainly had no reason, during his life to be ashamed of it. The same policy pursued him even to the Black Hills, his old enemies giving him a bad name whenever they dared do it. Although the evidence was clearly inadmissable in a case like this, where the prisoner sought the deceased, and while in no danger, shot him from behind, I did not object to, and the court permitted testimony as to the character of the deceased for violence. One witness, for some years a passenger conductor on the Kansas Pacific Railway, who knew him there, ten years or more ago, and who had known him since at Cheyenne and in the Black Hills, said he was not a quarrelsome man and never quarreled unless forced into it. Other witnesses gave him the same character and no one give him a different one.

"How many *aliases* the prisoner has, it would be difficult to tell. Although declaring upon his arraignment that his true name was John McCall, he asserted immediately before sentence was passed upon him that it was not his true name. He seems to be a person of a depraved and wicked heart, without regard for human life, as was shown by a murderous attack upon the keeper of the jail here, in an attempt to escape, a short time before his trial. Coming, as it is now asserted from the south, he had conceived for some cause, or without cause, an especial hatred for 'Wild Bill.'

"The testimony shows that some days before the homicide, McCall had pushed himself into a game of cards with 'Wild Bill.' He bet more than he had and lost his money. Wild Bill told him he could pay when he was able to, and offered to lend him some money for his immediate wants. Although the offer seemed to be made in the most kindly spirit, McCall became angry, rejected the money and left the house. The next day, while Wild Bill was again seated at a table, playing cards, McCall was seen to come up behind him, with his eyes upon him, put his hand back on his revolver, and draw it about half way out, when another man, not known to the witness, took McCall by the arm and led him away. A day or two later at a time when 'Wild Bill' was again seated at a table, quietly playing cards, with three other men, McCall came in, passed towards the back part of the room, came back to a point directly behind Wild Bill, drew his revolver, held it within two feet of the back of his head, and while his victim was evidently entirely unconconscious of his presence, sent a bullet entirely through his head. McCall instantly turned his revolver upon others present, swinging the muzzle with the utmost steadiness from one to another, thereby clearing the room. He then passed out at the door in the same way, keeping his revolver turned towards those nearest to him, passed rapidly to where a horse was tied which he attempted to mount. The saddle turned and he started up the street, clearing the way as he went, and was finally captured about half an hour afterward. These facts were proven by four creditable witnesses who were carefully questioned in regard to McCall's intoxication. They stated that

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while he might have been drinking some, and probably had been, he showed no signs of intoxication, did not stagger nor stumble and showed the utmost coolness and deliberation in every movement.

"I certainly do not seek the life of this unfortunate man, and if I should consult my own feelings and inclinations, I should prefer a substitution of imprisonment for life to the death penalty as a punishment for murder. The law of the United States recognizes the latter, however, and not the former, and upon my conscience I am utterly unable to see any extenuating circumstances in this case. The murder was deliberately planned, and executed in a cruel and cowardly manner, by a man who evidently has no regard whatever for human life. If the death penalty is to be inflicted in any case, I do not see upon what real ground the proposed leniency would be based in this particular case.

"As a legal proposition, can this sentence be safely commuted to imprisonment for life? The United States law recognizes but two grades of homicide and two degrees of punishment. There is no intermediate ground between ten years imprisonment and the death penalty for murder. It is true that the President can grant a conditional pardon, but the prisoner being in close custody may neither accept nor reject this condition. He is carried away in irons, and the time for his execution passes:—may he not then claim that he has neither accepted nor rejected the commutation proposed, which is a change to a sentence not recognized in the law?

Very Respectfully,
Your Obt Servt,
Wm. Pound,
U.S. Attorney."

William Pound was apparently unaware that one of the jurors, West Negus, had written to President Grant on February 1, but there is no evidence that any particular attention was paid to his plea for clemency for McCall.

DURING all the official exchanges, United States Marshal Burdick had not been idle. As part of his duties would be to arrange the actual execution and the building of a scaffold, he was anxious to learn the outcome of the petition. On February 11 he wrote to the Hon. J. P. Kidder in Washington:

"Dear Judge:

I wish you would do me the favor to call at the office of the Atty Gen at as early an hour as will suit your convenience after the receipt of this, and learn if you can whether McCall's sentence will be commuted by the President or not. Should you learn that it will be, please suggest to the Atty Gen the propriety of his *telegraphing* me to that effect, as I must commence preparations as soon as one week from tomorrow, and don[']t want to incur any expense to the Government unless there is a necessity for it. It really seems to me that he ought to advise me by telegraph that the sentence will be commuted or that it will not be, as the case may be, that I may have time to make the necessary preparations, or that none need be made.

Very respectfully.
J. H. Burdick,
U.S. Marshal."

On February 14, Marshal Burdick received the death warrant but delayed his final preparations while awaiting official notification from Washington.

Jack McCall, meantime, seemed resigned to his fate. He asked to see a priest and was visited by Father Elliot, a Catholic, who administered spiritual consolation in his cell. Later, he received regular visits from the Reverend Father Daxacher. He spent several hours each day reading the Bible and answering letters from people about the Hills and from some of the men he had known in the region.

Washington's reaction to William Pound's letter was made known on February 19. On that date the following telegram was dispatched to Marshal Burdick:

"DEPARTMENT OF JUSTICE, WASHINGTON, FEB. 19, 1877. TO J. H. BURDICK, U.S. MARSHAL YANKTON, DAKOTA TERR'Y: THE ATTORNEY GENERAL DIRECTS ME TO SAY TO YOU THAT HE HAS CONSIDERED THE APPLICATION MADE ON BEHALF OF JOHN MCCALL, CONVICTED OF MURDER AND DECLINES TO INTERFERE WITH THE SENTENCE PRONOUNCED BY THE COURT.

A. R. DUTTON, CHIEF CLERK."

When Marshal Burdick broke the news to McCall he took it calmly and continued his Bible readings.

The site of the execution posed some problems. It was originally intended that the execution would be private and would take place in the yard of the county courthouse, but later it was decided to erect the scaffold on the school section north of the Catholic cemetery.

Local interest in McCall had now spread to other states and a large crowd of Eastern journalists was expected to attend the execution. With this thought in mind, the editor of the local paper must have been delighted to receive the following letter from McCall:

"Yankton, Feb. 21, 1877.

Editor Press and Dakotaian:

Sir:—I intend to write an article which I wish you to publish in your paper after my death. If you will be here the day the execution takes place, I will hand it to you. If you accept or decline to publish please let me know.

John McCall."

Unfortunately for history, what Jack had to say will never be known. The night before he died he destroyed the article. Perhaps he was influenced to some extent by the following letter handed to him by U.S. Marshal Burdick that same evening:

"Merchants Hotel,
Louisville, Kentucky,
February 25, 1877.

To the Marshal of Yankton:

Dear Sir:

I saw in the morning papers a piece about the sentence of the murderer of Wild Bill, Jack McCall. There was a young man of the name of John McCall left here about six years ago, who has not been heard from for the last three years. He has a father, mother, and three sisters living here in Louisville, who are very uneasy about him since they heard about the murder of Wild Bill. If you can send us any information about him, we would be very thankful to you.

"This John McCall is about twenty-five years old, has light hair, inclined to curl, and one eye crossed. I cannot say about his height, as he was not grown when he left here. Please write as soon as convenient, as we are very anxious to hear from you.

Very respectfully,
Mary A. McCall."

It is not certain that McCall answered that letter from his sister, but the local press felt that his decision to destroy his article was influenced by it.

On the morning of March 1, 1877, Jack McCall prepared himself to meet the hangman. For half an hour he was in religious consultation with Father Daxacher and his assistant, J. A. Curry. At 9 a.m. Marshal Burdick and two assistants, Edmunds and Stanley, entered the cell and the death warrant was read out. Jack displayed no emotion. Once the irons were removed he was left in his cell for a few moments before returning to speak in whispers to the priest.

As the party left the jail, McCarty and the other prisoners showed much emotion as Jack said his last goodbyes. Outside, a drizzling rain kept some of the crowd away, but many were already on their way by horse or carriage and even on foot to the place of execution.

MARSHAL BURDICK and his deputy Ash, set off in the first carriage and McCall, Father Daxacher, Curry and Philip K. Faulk (representing the local paper) occupied the second. No one spoke during the two-mile journey, and as the cavalcade, now joined by a long line of vehicles, reached the gallows, a great hush came over the crowd.

On the scaffold County Sheriff Baker and Town Marshal Leeper stood waiting. They had made sure that the crowd around the scaffold was kept back to avoid unnecessary pressure, consequently its base was cleared as the carriages drew up.

Jack still retained his impassive expression as he climbed down from the carriage and slowly ascended the steps of the scaffold accompanied by Deputy Marshal Ash. Unaided he walked over to the trap and stood calmly as his arms and limbs were bound. Kneeling, he started to pray, his eyes fixed on the heavens. Slowly he rose to his feet and kissed the crucifix. Bowing his head he allowed the marshal to place the black cap over his head. As Marshal Burdick adjusted the noose Jack asked him for a moment in which to pray. The marshal ceased and stood back.

From the hood came the muffled but firm request: "Draw it tighter, Marshal."

At 10:15 the trap opened with a crash. Only at the last moment did Jack McCall show any emotion, when the single, choking cry: "Oh, God!" was heard as the drop fell.

For twelve minutes the body was allowed to hang, then Doctors D. F. Etter and J. M. Miller entered the boarded-up base to examine McCall. His head was drooped over his breast, and his hand, now turned blue, grimly grasped the crucifix. Ten minutes later he was cut down. The body was placed in a neat walnut coffin and buried in the southwest corner of the Catholic cemetery. Four years later the cemetery was moved and an examination of McCall revealed that he had been buried with the noose still around his neck.

John McCall, *alias* Jack Sutherland *et al* is still very much a mystery man. The evidence uncovered at the Yankton trial confirmed that he did not have a brother, but despite all efforts, no real motive was found to explain his reason for killing Hickok. On the evidence available the cause appears connected with the poker game in which he lost to Hickok and had to take a handout. Some men have killed for less.

As late as 1954, following the publication in *True* magazine of an article "The Truth about 'Wild Bill' Hickok" by Edwin V. Burkholder, a gentleman claiming to be the great-great nephew of Jack McCall wrote to the magazine. His version of the reason for Hickok's murder bore no relation to the known facts:

"Jack McCall was one of a large family living on a farm in Missouri when the battle of Wilson Creek was fought during the Civil War. Hickok was at that time a member of those infamous guerrillas that lived off the misfortunes of the land. With this band, he attacked the McCall farm. The farm was robbed. Jack McCall's brother was killed. The women were raped and their tongues cut out so that they could not tell on their attackers. However, one of the women was able to write down the identity of her attackers.

"When the McCall brothers returned home from the war and saw the horrible deeds perpetrated there, they swore vengeance on the men responsible. They vowed never to lay down their arms until the last man was dead.

"Jack McCall had the misfortune to select a member of the guerrilla band who had become notorious, which put him in the limelight too, but contrary to what Mr. Burkholder wrote, Jack McCall was no hung [*sic*] in 1877. He came home to Missouri, married, raised a family, and died in his nineties. My older brother visited him in his home several years before his death."

Apparently, like Jesse James and Billy the Kid, even Jack McCall has now joined the ranks of the notorious who outlived their own funerals to become part of family "tradition."

Despite such tales as this, efforts to trace the movements of the McCall family after 1877 have so far failed, and only Jack knew the answers to the questions which have been puzzling researchers for the past ninety-three years. But he took his information with him to the grave.

The Bishop's Defeat

(Continued from page 37)

heavy rope-like cord encircled each monk's waist and a string of beads or a rosary was attached to the rope-like belt.

Our trip to the hills east of Liberty Lake was uneventful except that Allen and I did sight a range animal that I was certain was Buck. However, instead of responding to my whistle as he usually did, the pony bolted off for the brush like a spooked deer. It was in late afternoon on our way back home that we came down the deep draw from Mica Ridge and swung out across the broad 150 acres of meadow land.

Each fall this meadow offered a lush second growth of timothy after the first crop's harvest. We never had to round up our range cattle at the lake. As late fall came on, the cattle on the west side hill slopes of the Mica hills always seemed to drift lakeward through our School Section property towards the lush field of second-growth timothy.

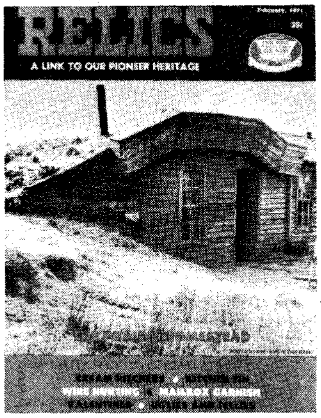
That afternoon the vanguard of the range stock was already scattered out along the School Section fence waiting for someone to open the barbed wire gate and allow them to pass through to the green pasture beyond. Starting across the meadow, Allen and I spotted a group of the brown-clad monks gathered in a circle near the center of the field. As we came closer we saw that they surrounded a horse which lay sprawled on its side, motionless.

We walked up and joined them but when we attempted to ask what was happening they merely looked at us and shook their heads. They spoke a language among themselves which was completely foreign to us. I tried my high school Spanish and what French I had picked up overseas, but to no avail. With signs they kept pointing to my rifle and then to the downed horse.

I recognized the animal as one of our old work stock and was reasonably sure of the trouble. Through sign language I managed to get an answer to the question of how long the animal had been lying there. "Three days," was the sign language reply. The ground around the animal supported proof of that. The monks again motioned for me to take the rifle and shoot the animal.

In our days on the ranch, I had watched old Doc Stewart, the veterinarian who took care of most of our stock, treat an animal in a similar situation. A horse, when it lies down and relaxes, really relaxes. It sprawls out on its side and in order to get back on its feet it must first twist its body and bring its front feet under it so it can lift up its head and shoulders and gain a four-footed stand. A horse that has eaten a lot of green grass and then sprawled out for a relaxed rest on the ground, often becomes "gas bound." The instant he tries to twist his body and bring his front feet under him to lift clear the ground, he is hit with severe stomach pains. The animal's only relief is to resume his sprawled position. If left alone he would die there. However, if the animal can be put on his feet or pulled to his feet, the symptoms seem to vanish.

Through sign language and arm motions, Allen and I got the half-a-dozen monks to help us pull out the front feet of the downed animal so that we could get him in a position to help him get his



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rear off the ground. With plenty of grunts and groans from both the horse and our crew of monks, we finally got the horse on its feet. Once that was accomplished, the horse gave us the customary "horse laugh" and went trotting off across the meadow.

This was my first encounter with the order of monks that Bishop Schinner had imported from Europe to operate the ranch part of his holdings. During all the work with the downed animal, however, the monks had not once spoken directly to us though they did speak among themselves in their foreign tongue.

As we passed through the ranch yard on our way back to Allen's place we met an elderly priest on the porch of our old ranch house. Evidently he had been watching what was going on in the meadow and asked us what had happened. We told him, and he went on to inform us that six monks who had been down in the meadow with us had had little or no experience with horses and were really afraid of them because of an incident which had happened a few days before.

The monk assigned to the barn and work horse detail had attempted to enter the stall of one of the work animals and nearly had been kicked to death. The monk was in the hospital in Spokane and the remaining ones had developed a reasonable respect for what a startled animal can hand out.

The elderly priest was not of the monks' order, he told us, but had been detailed to the Bishop's property to start a nucleus for other expected retired priests. He had turned our ranch-house dining room into a neat little chapel and had an altar constructed there. Evidently he had been saying Mass in our old home.

All our ranch horses had been well gentled and I was at a loss to understand why one of them would go on a kicking spree. However, when the old priest told Allen and me that while the monks talked among themselves, their vow of silence to outsiders evidently included horses, I thought I understood. The horse that had done the kicking had probably been startled in its stall by the monk's silent approach. With no customary approach word being spoke, the startled animal had reverted to its natural instinct of kicking out.

IT WAS the next spring before I again visited the ranch. This time as I walked through the park I saw that a huge rustic log cross had been set up on what had once been our tennis court. At the base of the cross was what appeared to be two empty graves, the removed dirt still in a mound at the cross base.

I stopped at our ranch house and in response to my knock, the old priest who had been there the fall before, came to the door. I inquired from him the meaning of the cross and the two empty graves. He told me that shortly after the incident in the meadow the fall before, two of the monks had gone down and opened the fence gate allowing the scatter of range cattle coming down from the Mica hills to pass out onto the timothy field.

He went on to tell us that as the monks allowed the cattle to rush out onto the meadow they tried to walk in front of the one hundred or so steers. What could have caused the steers to stampede, the priest had no idea; nor did I. Perhaps these animals that had been running wild in the Mica hills all year took offense at the brown-cassocked pair attempting to lead them, and trampled them to death. The two monks had been buried on the old tennis court and the log cross erected as a temporary cemetery sign.

The priest then informed us that the monk group's superior had written to their order head in Europe and requested that they be allowed to return immediately to their European monastery. Permission was received and the monks, with the deceased brothers' bodies exhumed from their park graves, departed for Europe.

I personally had had a similar stampede experience at one time in that meadow, when Dad and I attempted to walk across the field on a fence inspection trip while several hundred range cattle grazed on the second growth of timothy. As we moved across the meadow I happened to look to the side and saw that the scatter of steers were advancing towards us, stiff-legged and heads high. I had seen cattle act that way when somebody approached them on foot so I immediately started whistling for our two Collie dogs back at the ranch house.

Although the ranch house was a quarter of a mile away the two dogs heard my call and I saw them racing down the road for the meadow. Once in the meadow, they immediately turned the threatening herd back. I assume that is what happened to the two monks.

That winter, with the order of monks evidently fed up with western-type ranching and pulling out and leaving only the old priest in charge, Bishop Schinner had no choice but to sell off all the livestock and give up his farming idea.

For a year or so the old priest remained at our ranch house and I visited him quite often. The next summer, however, he too left and a homesteader by the name of Nichols, from up around the Signal Point hills took over the care of the place.

The ranch itself had deteriorated fast and the buildings on the park part of the property were soon in a dilapidated condition. George Libby, for a couple of summers had his "Boys' Camp" at our old park site and did some maintenance work. The ranch, however, was barren of livestock and for weeks at a time was unattended. With Bishop Schinner's death in the late twenties the church authorities leased out the property several times but never managed to secure a really worthy tenant.

It was shortly after the close of World War II that Mr. Miller, a plumbing contractor from Spokane, bought the property and began accumulating the surrounding 160-acre proved-up homestead sites which bordered most of our original two School Sections. Eventually Mr. Miller's property included more than 2,000 acres, the largest single land-holding on Liberty Lake.

It was this combined home ranch site, our old School Sections and half a dozen or so homesteads that made up what came to be known as the Miller Ranch. Spokane County recently purchased the property with the idea of creating a public recreational center at the south end of Liberty Lake. The plan calls for reactivating the old park site once called Kalez Park.

But for a siege of bad luck, Bishop Schinner's idea of a boy's ranch and home for old priests might have succeeded. Time is proving that the site was ideal. It was the human element which failed the Bishop.

Railroading in Cripple Creek

(Continued from page 27)

complied with was the prohibition of drinking while on duty. Again I felt like killing him on the spot.

Then came the day I worked with his crew making up trains on Bull Hill. A yard up there could accommodate up to fifteen trains of thirty loads each. There were so many passenger trains in and out of Cripple Creek every day at that time that the main line (single track) was reserved just for them, while at night the load trains took the run from Bull Hill to the smelter in Colorado Springs. It was common knowledge that any railroad man who had worked in that area for six months could go anywhere and get a railroad job—the reason being that there was very little level track. With very few exceptions every track was either uphill or downhill.

Snotty was leaning out the window of his cab resting on his elbows. This nonchalant attitude of his—without a hand on the throttle—was characteristic and is comparable to a kid riding a bicycle with no hands. But as we approached the crest of the hill at the yards atop Bull Hill, it was necessary to enter a passing track, and as the crest was passed our momentum had to be checked so that we could stop and back up through the switch at the top and shove the loads onto the loading tracks in the yard. On this occasion Snotty did not even slack off on the throttle as we crested the hill. Instead of trying to check the momentum, he wanted to observe me running over the top of the cars frantically trying to set up the hand brakes.

But as I said before, I had been waiting for a chance to get even and this was my opportunity. I kept running over the tops of the cars but did not set up a single brake. I only went through the motions of sticking my brake stick in the wheel of the shaft to the brakes.

In a matter of just a few minutes control was gone and the train was gaining speed for a runaway. At this point everything was downhill for miles and it was Snotty's turn to become frantic. The head brakeman crawled up on the front end and started setting up brakes there, but he only got as far as the second car when he motioned me to lie down and let 'em go. By this time we had run through the switch at the lower end of the passing track onto the main line.

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With all the air the engine could pump—too late now—hurtling down the main line on a three per cent grade, there was no chance to curb the speed. Sparks were flying from the brake shoes like a Fourth of July celebration as the runaway train took curve after curve, the cars rocking as though they would never make it to the next one without turning over. It seemed inevitable that any minute we might wind up in a wreck and complete disaster. Actually it was a seven-mile runaway before the speed could be checked and easily a ten-mile run before the train got stopped below the town of Cameron.

After the train was finally halted those brake shoes which did not completely burn up were set so hard it took an hour to get the brake beams loosened enough that we could start backing up. There were no passing tracks below Bull Hill and we had to crawl all the way back, to say nothing of disrupting the passenger train schedule. It was a miracle we did not meet a passenger train on its way to Cripple Creek.

Necessarily a detailed report had to be turned in. However, there was no way of proving that I had failed to do my part in setting up the brakes and the whole responsibility fell directly on Snotty. He was demoted to fireman, in addition to his close call of meeting his Maker—the only thing I ever knew of that he didn't seem to think was so funny!

A Typical Company Town

(Continued from page 39)

opment of the Lake Tahoe region.

At the peak of its operating capacity, Hobart Mills housed from 700 to 1,000 families, depending upon the season. Many of the people were itinerant workers brought in from Reno, Nevada. These "boomers" changed jobs so often that the trip to Reno for replacements often occurred several times each week.

Most of the boomers were members of the I.W.W., which is remembered today for a policy of direct action and sabotage. In spite of this record, there was only one example of it at Hobart Mills. One disgruntled employe put sand in all the grease boxes in the planing mill before leaving town after being discharged. It caused considerable grief to the men he left behind!

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HOBART MILLS was a busy place from the first of May to the first of November. The logging camps were in full swing along with the sawmill, box factory, planing mill, sash and door factory and a lumber yard. During the balance of the year, weather caused the logging operations to stop and the sawmill to close, but the other units continued operation.

This was strictly a company town. It was also a dry town. Walter Scott Hobart, in planning this operation, had insisted that no alcoholic beverages be sold in Hobart Mills (then known as Overton). This was to safeguard the morals and assure the efficiency of his employes. But Hobart Mills did have a two-story hotel a school, a church and a general store in addition to its post office.

During the six months season, a total of about thirty million board feet of lumber was produced. The mills were equipped with two band saws and a resaw. There were also about forty miles of railroad, of which some seven miles ran to Truckee. Twice a day a trip was made to meet the main lines to various marketing points. This railroad used both standard gauge and narrow gauge equipment.

Hobart Mills citizens traveled to Truckee on these two daily trips free of charge because the railroad had no license which would allow it to collect fares. It was not uncommon to see the Hobart Mills barber leaving to fill his frequent haircutting appointments in Truckee.

In the early twenties mill operations all but stopped. The surrounding forests were logged out, except for higher altitude timber which was considered financially impractical to cut at the time. This left only the box factory operating. In 1935 the box factory was also closed Hobart Mills was left deserted.

For the next twelve years the town was almost dormant. Some attempts at reforestation were made by the United States Forest Service but the entire townsite was sold to the Los Angeles Iron and Steel Company in 1938. Some of the original buildings and machinery were removed and sold for scrap.

In 1947 the Fibreboard Products Corporation took over Hobart Mills and surrounding timber stands. A pulp supply for the firm's Antioch, California plant seemed to be the goal.

This is the story of just one California town. The state has many other than those made famous by gold rush activities. Much of the early timber production went directly into the Mother Lode mines of California and the Comstock mines of Nevada. Timber for sluices mine shaft supports, and various other mining needs came from these small towns of the lumber region. Perhaps they lacked the glamor of the mining towns but they made a direct contribution to their more exciting counterparts.

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—by Tom K. Ryan
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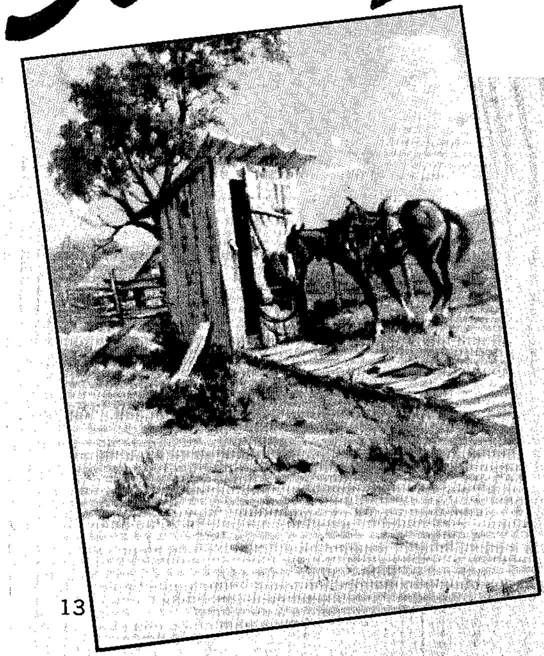
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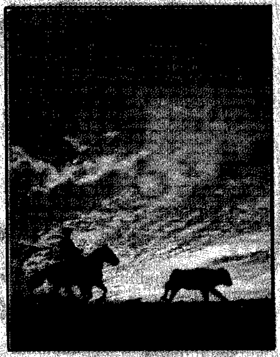
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